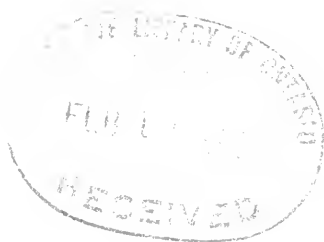


Fine Binding

THE CARSWELL COMPANY LIMITED



An Act to Consolidate the Debenture Debt of the
Town of Mount Forest.

WHEREAS the Corporation of the Town of Mount Forest, Preamble,
by their petition, have represented that they have
incurred debts and liabilities for the purpose of giving bonuses
to railways, manufacturers, and others, to the extent of \$46,000,
5 and for other purposes to the extent of \$8,000, making in all
an indebtedness of \$54,000, of which sum \$43,000 is secured
by the debentures of the said corporation; that the said debentures
have from time to time been issued under the authority
of various by-laws, each of which has made provision for the
10 levying of a rate for the payment of the said debentures
thereby authorized, which rate has not been hitherto fully
levied in any year; that the amount of each of the said rates
so intended to be levied was calculated upon the assessed
value of the assessable property included within the said cor-
15 poration, at the respective times when the said several by-laws
were passed; that most of the said several by-laws provided
for the levying in future at the rates therein respectively
mentioned, not only upon the said assessed value, but also upon
any increase in the said assessed value which might thereafter
20 be made: that since the times of the passing of the said several
by-laws, the proportion which the actual value of the said
assessable property bore to the assessed value thereof at the
respective times of the passing of the said several by-laws has
not been maintained, but the said assessed value thereof has
25 been increased to a far greater extent than the actual value
thereof, by reason whereof the rates directed to be levied by
the said several by-laws would now be oppressive; and that
by reason of the irregular arrangement, and the short dates of
the respective times at which the said several debentures are
30 made redeemable, and the non-levying of sufficient rates hitherto
as aforesaid, the rates now required for such redemption would
in future be oppressive, for which reasons and upon various
other grounds they have prayed that the said debt may be
consolidated, and that they may be authorized to issue de-
35 bentures for the purpose of discharging such indebtedness.
And whereas it is expedient to grant the prayer of the said
petition;

Therefore Her Majesty, by and with the advice and con-
sent of the Legislative Assembly of the Province of Ontario,
40 enacts as follows:

1. The said debts of the Corporation of the Town of Mount Forest are hereby consolidated at the sum of \$54,000, and it shall be lawful for the said Corporation of the Town of Mount Forest to raise, by way of loan, upon the credit of the debentures, Debts consoli-
dated at the
sum of
\$54,000.

tures hereinafter mentioned, and by this Act authorized to be issued from any person or persons, body, or bodies corporate, either in this Province, Great Britain, or elsewhere, who may be willing to lend the same, a sum of money not exceeding \$54,000 of lawful money of Canada. 5

Authority to pass by-laws for issue of new debentures.

2. It shall be lawful for the said Corporation of the Town of Mount Forest to pass a by-law, or from time to time to pass by-laws authorizing a loan, or loans, not exceeding in all the sum of \$54,000, and further authorizing the issuing of debentures therefor in accordance with this Act, and to impose in 10 and by the said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality to be called "the Consolidated Loan Rate," over and above, and in addition to all other rates to be levied in each year, which said consolidated loan rate shall be duly levied in each year, and 15 shall be made sufficient to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal of the lastly mentioned debentures when the same shall fall due.

Assent of electors to by-laws not required.

3. It shall not be necessary to obtain the assent of the 20 electors of the said town to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*.

Issue of debentures to the amount of \$54,000 authorized.

4. It shall be lawful for the municipal council of the said 25 Corporation of the Town of Mount Forest, after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation from time to time, as occasion may require, under the corporate seal, signed by the mayor, and countersigned by 30 the treasurer and clerk of the said town for the time being, for such sums, not exceeding in the whole the said sum of \$54,000, as the said council shall direct and appoint, redeemable in thirty years from date of issue, and bearing interest at a rate not to exceed six per cent. per annum, payable half yearly. 35

Mode and time of payment.

5. The said principal sum to be secured by the debentures to be issued under the preceding section of this Act, shall be payable either in sterling or currency, and the same, with the interest accruing thereon, may be made payable either in this Province, or Great Britain, or elsewhere, as the said 40 council may by the said by-law or by-laws direct. And the said by-law or by-laws shall provide for raising annually for the payment of the said debentures, at the expiration of thirty years from the time or times at which the by-law or by-laws authorizing the issue of the same shall respectively be passed, 45 a certain specific sum, sufficient with the estimated interest on the investments thereof, to discharge the debt and redeem said debentures when payable.

Application of funds.

6. The funds derived from the negotiation and sale of the said debentures shall be applied in and to the payment of the 50 said debts of \$54,000 and not otherwise, and shall, for that purpose, from time to time be deposited, as the same shall be received, and until the same shall be required for the said purpose, in any branch or agency of any chartered bank of Canada,

in the said Town of Mount Forest, or elsewhere in the Province of Ontario, or invested in Government securities, or stocks, or on first mortgage farm security (any loan or loans on farm property shall not exceed one-half the actual assessed value of such farm, or farms, upon the security of which the said money is advanced), and all such deposits or investments shall be made in the name of the said corporation, as trustees of the said town, and shall be made upon such terms as the said municipal council and such bank, or Government, or owner of farm property shall from time to time agree upon, and shall be withdrawn as the same may be required from time to time for the payment and redemption of the said outstanding debt and liabilities, or any part thereof, and not otherwise.

7. The treasurer of the said town shall, on receiving instructions from said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said now outstanding debts and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may with the like consent substitute therefor the said debentures, or any of them hereinbefore authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debts and liabilities.

Outstanding debentures may be called in.

8. Any by-law to be passed under section 2 of this Act, and in pursuance of the provisions of this Act authorizing the said loan, shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

By-laws not to be repealed until debt satisfied.

9. The said municipal council shall, and it shall be the duty of the treasurer of the said town for the time being to invest or deposit, from time to time, all moneys raised by the special rate provided by this Act, and the by-law or by-laws imposing the same, or derived from the investment or deposit of the said moneys as herein mentioned, less the interest payable in respect of the said debentures, to be issued in pursuance of this Act, for the then current year, in any one of the modes of investment, or deposit, authorized by section 6 of this Act, as the said council shall direct, and upon such terms as the said council, and bank, or Government, or person, shall agree upon, and such moneys shall only be withdrawn therefrom as the same may be required, from time to time, for the payment and redemption of the lastly mentioned debentures, or the said outstanding debts and liabilities, or any part thereof, and to apply the residue of such money, from time to time, to the payment of interest on the said debentures, and not otherwise, nor for any other purpose whatever.

Investment of money raised by special rate.

10. It shall be the duty of the treasurer, from time to time, of the said town to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep, and see that he does keep, a proper book of account, setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times

Treasurer to keep books shewing state of debenture account.

at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiations of the said debentures, and the application which shall, from time to time, be made of the said amounts, and as to so much thereof as shall at any time or times be deposited, or invested, as directed by section 6 of this Act. The said book of account and statement shall set forth and shew the amount, and the place, or places, of such deposits, and the amount and the mode and nature and place, or places, of such investment, and the terms and conditions upon which such deposits or investments shall, from time to time be made, and the said books of account and statement shall at all times, and at all reasonable hours, be open to the inspection of any ratepayer of the said town, and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

Council empowered to apply present sinking fund for local improvement purposes.

11. It shall be lawful for the municipal council of the said corporation of the Town of Mount Forest, to pass a by-law, or by-laws, authorizing the expenditure of the sinking fund or surplus moneys of the said corporation now invested, or in the hands of the treasurer of said town, amounting to about \$9,000, in securing fire protection, and for other local improvements within the said town, or for buying up its own debentures.

Assent of electors to by-law for purchase of a chemical fire engine dispensed with.

12. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law which shall be passed authorizing the council of the said town to purchase the chemical fire engine, which it has leased from William Morrison, of the City of Toronto, with the right to purchase the same within six months from delivery at Mount Forest, but the council of said town may, by by-law, use a part of the said sinking fund, or surplus money, mentioned in the preceding section, to pay for said fire engine, not exceeding, however, the sum of \$2,250, without submitting such by-law for the assent of the electors of said town.

Assent of electors required in certain cases.

13. It shall be necessary to obtain the assent of the electors of said town to the passing of any by-law, or by-laws, other than for the purchase or redemption of the debentures of said town, which shall be passed, authorizing the expenditure of the residue of said sinking fund, or surplus money, mentioned in section 11, after payment for said fire engine mentioned in the preceding section of this Act, and to observe the formalities in relation thereto, prescribed by *The Consolidated Municipal Act, 1883*.

Inconsistent provisions in Municipal Acts not to apply.

14. Any provisions in the Acts respecting municipal institutions in the Province of Ontario which are or may be inconsistent with the provisions of this Act, or any of them, shall not apply to the by-law or by-laws to be passed by the council of said corporation under the provisions of this Act, and no irregularity in the form, either of the said debentures authorized to be issued by this Act, or of the by-law or by-laws authorizing the issuing thereof, shall render the same invalid, or illegal, or be allowed as a defence to any action brought against the said corporation, for the recovery of the amounts

of the said debentures and interest, or any or either of them, or any part thereof.

15. Sections 411, 412, and 413, of *The Consolidated Municipal Act, 1883*, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act. 46 V. c. 18, ss, 411-413, incorporated in this Act.

16. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Mount Forest from any indebtedness, or liability, which may not be included in the said debt of \$54,000. Liability of corporation not discharged.

No. 1.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to consolidate the Debenture Debt
of the Town of Mount Forest.

First Reading, 1886.

(Private Bill.)

Mr. McKim.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Consolidate the Debt of the Town of
Orangeville.

WHEREAS the corporation of the Town of Orangeville have Preamble.
by their petition represented that they have accrued
debts and liabilities for aiding in the construction of the
Toronto, Grey and Bruce Railway, now a portion of the Canada
Pacific Railway, in the erection of water works and market
buildings, in aiding the Credit Valley Railway, now a portion
of the Canada Pacific Railway, in granting aid to the Stevenson
& Graham Woollen Mills Company, in building school houses,
and for other purposes; and whereas the said corporation is liable
under a certain by-law of the County of Wellington, to aid the
said Credit Valley Railway to the amount of \$7,139 or there-
abouts; and whereas the said corporation hath accrued a
further liability of \$11,300 for the payment of which no pro-
vision had been made; and whereas all of the said debenture
debts will mature between the present time and the year 1889,
and the interest maturing thereon having been regularly paid
and the said unprovided for debt is liable to be demanded at
any time, and the annual revenue to be raised yearly by tax-
ation in order to meet the interest on said debentures, and the
interest on said unprovided debts, and the current expenditure
will be insufficient without exceeding the limit authorized by
law, and is too burdensome on the ratepayers of the said cor-
poration, and the said Corporation have prayed that the said
debt of the said town now amounting in all to the sum of
\$75,000 or thereabouts, may be consolidated, and that new
debentures may be issued for the purpose of meeting and paying
such debentures from time to time as the same may mature,
and for discharging and paying off the unprovided debts; and
whereas it is expedient to grant the prayer of the said petition;
Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The said debts of the Town of Orangeville are hereby
consolidated at \$75,000, and it shall be lawful for the said Town
of Orangeville to raise by way of loan upon the credit of the
debentures hereinafter mentioned, and by this Act authorized
to be issued from any person or persons, body or bodies cor-
porate either in this province, or in Great Britain, or elsewhere,
who may be willing to lend the same, a sum of money not
exceeding \$75,000 of lawful money of Canada.

Debts consoli-
dated at the
sum of
\$75,000.

2. The Town of Orangeville may, from time to time, and as
occasion may require or opportunity offer for redeeming
debentures or payment of said other debts, pass by-laws under
the terms and conditions hereinafter provided for authorizing

Authority to
pass by-laws
for issue of
new deben-
tures.

the issue of debentures of said town, to an amount not exceeding in the whole the sum of \$75,000, and may impose in and by the said by-law or by-laws, a special rate on the whole ratable property of the said municipality of the Town of Orangeville, to be called "The Consolidated Debenture Loan Rate" 5 over and above, and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually for interest, and to provide a fund for the payment of the principal, when the same shall fall due, of the said debentures last mentioned. 10

Consent of electors to by laws not required.

3. It shall not be necessary to obtain the assent of the electors of the said Town of Orangeville to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*.

Issue of debentures to the amount of \$75,000 authorized.

4. It shall be lawful for the municipal council of the said 15 corporation of the Town of Orangeville, after the passing such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation under the corporate seal signed by the mayor, and countersigned by the treasurer of the said corporation for the time 20 being, for such sums not exceeding in the whole \$75,000, as the said council may direct and appoint bearing interest at a rate not to exceed six per centum per annum, payable yearly or half yearly, as the case may be.

Mode and time of payment.

5. The principal sum so to be secured by the debentures to 25 be issued under the preceding section of this Act, shall be payable in sterling or currency, and the same with the interest accruing thereon may be made payable, either in the Province of Ontario, or in Great Britain, or elsewhere, as the said council may by by-law or by-laws direct, or deem expedient; and a 30 portion of the said debentures issued under any such by-law or by-laws may be made payable in each year, not to exceed forty years from the time at which the by-law authorizing the issue of the same shall take effect, and so that sums to be levied for principal and interest shall be as nearly equal in each 35 year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Application of funds.

6. The funds derived from the sale of the said debentures shall be applied in and to the payment of the said debt of \$75,000, and not otherwise, and shall for that purpose from 40 time to time be deposited until required in the agency of a chartered bank of Canada, in the Town of Orangeville or elsewhere in this province, or invested in Government securities or stock, either of the Dominion of Canada or of this province, upon such terms as the said municipal council, and such bank 45 or Government shall from time to time agree upon, and shall only be withdrawn therefrom, as the same may be required from time to time for the payment and redemption of the said outstanding debenture debt, and other liabilities, or some part thereof, and not otherwise, and all such deposits or investments 50 shall be made in the name of the said corporation as trustees of the said town of Orangeville.

Outstanding debentures may be called in.

7. The treasurer of the said town shall on receiving instructions from the said council so to do, from time to time, but

- only with the consent of the holders thereof, call in any of the said outstanding debentures and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may with the like consent substitute therefor the said debentures, or any of them above authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures, debts and liabilities.

8. Any by-law to be passed under section 2 of this Act, and in pursuance of the provisions of this Act authorizing the said loan, shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied.

By-laws not to be repealed until debt satisfied.

9. Sections 411, 412 and 413 of *The Consolidated Municipal Act, 1883*, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act.

46 V. c. 18, ss. 411-413, incorporated in this Act.

10. The said municipal council shall, and it shall be the duty of the treasurer of the said town for the time being to invest or deposit from time to time all moneys raised by the special rate provided by this Act, and the by-law or by-laws imposing the same or derived from the investment or deposit of the said moneys as herein mentioned, less the interest payable in respect of the said debentures to be issued in pursuance of this Act for the then current year, in any one of the modes of investment or deposit authorized by section 6 of this Act, as the said council shall direct and upon such terms as the said council and bank or Government shall agree upon, and such moneys shall only be withdrawn therefrom, as the same may be required from him for the payment and redemption of the lastly mentioned debentures, or the said outstanding debts and liabilities, or some part thereof, and to apply the residue of such moneys from time to time to the payment of the interest on the said debentures and not otherwise, nor for any other purpose whatever.

Investment of money raised by special rate.

11. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form, either of the said debentures authorized to be issued by this Act, or of the by-law, or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debenture and interest, or any, or either of them, or any part thereof.

Inconsistent provisions in Municipal Acts not to apply.

12. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Orangeville from any indebtedness or liability which may not be included in the said debt.

Liability of corporation not discharged.

13. The debentures to be issued under this Act may be in the form contained in Schedule A to this Act, and the by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form Schedule B to this Act.

Form of debentures and by-laws.

SCHEDULE A.

PROVINCE OF ONTARIO, TOWN OF ORANGEVILLE.

DEBENTURE.

Under and by virtue of the Act passed in the 49th year of the reign of Her Majesty Queen Victoria, intituled "An Act to consolidate the debt of the Town of Orangeville."

The corporation of the Town of Orangeville, in the County of Dufferin and Province of Ontario, promise to pay to the bearer at the sum of on the day of , 18 , and the coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at the Town of Orangeville, in the County of Dufferin, 10 this day of , A.D. 18 .

SCHEDULE B.

By-law No. of the municipal council of the corporation of the Town of Orangeville.

By-law to authorize the issue of debentures for the sum of \$, under the authority of the Act passed in the 49th year of the reign of Her Majesty Queen Victoria, intituled "An Act to consolidate the debt of the Town of Orangeville."

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, to an amount not exceeding \$75,000, as the corporation of the Town of Orangeville may in pursuance of and conformity with the provisions of the said Act direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$, payable on the day of , with interest thereon, at the rate of per centum per annum, payable yearly, according to the coupons to the said debentures attached;

And whereas the amount of the whole ratable property of the said Town of Orangeville, according to the last Revised Assessment Roll of the said town being for the year 18 , was \$

Therefore the municipal corporation of the Town of Orangeville enacts as follows:

1. That debentures under the said Act, and for the purposes therein mentioned, to the extent of the sum of \$ are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest, at the rate of per centum per annum, payable yearly, on the days of

This by-law passed in open council this day of , 40 A.D. 18 .

No. 2.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

Act to consolidate the debt of the Town of
Orangeville.

First Reading,	1886.
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(Private Bill.)

MR. MCGHEE.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Consolidate the Debt of the Town of
Orangeville.

WHEREAS the corporation of the Town of Orangeville have **Preamble.**

by their petition represented that they have *incurred* debts and liabilities for aiding in the construction of the Toronto, Grey and Bruce Railway, now a portion of the Canada Pacific Railway, in the erection of water works and market buildings, in aiding the Credit Valley Railway, now a portion of the *Canadian* Pacific Railway, in granting aid to the Stevenson & Graham Woollen Mills Company, in building school houses, and for other purposes; and whereas the said corporation have *incurred* a further liability of \$11,300 for the payment of which no provision has been made; and whereas all of the said debenture debts will mature between the present time and the year 1899, and the interest maturing thereon has been regularly paid *but* the said unprovided for debt is liable to be demanded at any time, and the annual revenue to be raised yearly by taxation in order to meet the interest on said debentures, and the interest on said unprovided debts, and the current expenditure will be insufficient without exceeding the limit authorized by law, and is too burdensome on the ratepayers of the said corporation, and the said corporation have prayed that the said debt of the said town now amounting in all to the sum of \$67,000 or thereabouts, may be consolidated, and that new debentures may be issued for the purpose of meeting and paying such debentures from time to time as the same may mature, and for discharging and paying off the unprovided debts; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said debts of the Town of Orangeville are hereby consolidated at \$67,000, and it shall be lawful for the said Town of Orangeville to raise by way of loan upon the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued from any person or persons, body or bodies corporate either in this Province, or in Great Britain, or elsewhere, who may be willing to lend the same, a sum of money not exceeding \$67,000 of lawful money of Canada. **Debts consolidated at the sum of \$67,000.**

2. The Town of Orangeville may, from time to time, and as occasion may require or opportunity offer for redeeming debentures or payment of said other debts, pass by-laws under the terms and conditions hereinafter provided for authorizing the issue of debentures of said town, to an amount not exceeding in the whole the sum of \$67,000, and may impose in and **Authority to pass by-laws for issue of new debentures.**

by the said by-law or by-laws, a special rate on the whole ratable property of the said municipality of the Town of Orangeville, to be called "The Consolidated Debenture Loan Rate" over and above, and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually for interest, and to provide a fund for the payment of the principal, when the same shall fall due, of the said debentures last mentioned. 5

Consent of electors to by laws not required.

3. It shall not be necessary to obtain the assent of the electors of the said Town of Orangeville to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883.* 10

Issue of debentures to the amount of \$67,000 authorized.

4. It shall be lawful for the municipal council of the said corporation of the Town of Orangeville, after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation under the corporate seal, signed by the mayor, and countersigned by the treasurer of the said corporation for the time being, for such sums not exceeding in the whole \$67,000, as the said council may direct and appoint bearing interest at a rate not to exceed six per centum per annum, payable yearly or half yearly, as the case may be, and such debentures may run for a period not exceeding thirty years from the date thereof. 15 20

Mode of payment.

5. The principal sum so to be secured by the debentures to be issued under the preceding section of this Act, shall be payable in sterling or currency, and the same with the interest accruing thereon may be made payable, either in the Province of Ontario, or in Great Britain, or elsewhere, as the said council may by by-law or by-laws direct, or deem expedient. 25 30

Application of funds.

6. The funds derived from the sale of the said debentures shall be applied in and to the payment of the said debt of \$67,000, and not otherwise, and shall for that purpose from time to time be deposited until required in the agency of a chartered bank of Canada, in the Town of Orangeville or elsewhere in this Province, or invested in Government securities or stock, either of the Dominion of Canada or of this Province, upon such terms as the said municipal council, and such bank or Government shall from time to time agree upon, and shall only be withdrawn therefrom, as the same may be required from time to time for the payment and redemption of the said outstanding debenture debt, and other liabilities, or some part thereof, and not otherwise, and all such deposits or investments shall be made in the name of the said corporation as trustees of the said town of Orangeville. 35 40 45

Outstanding debentures may be called in.

7. The treasurer of the said town shall on receiving instructions from the said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the said outstanding debentures and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may with the like consent substitute therefor the said debentures, or any of them above authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of said outstanding debentures, debts and liabilities. 60

8. Any by-law to be passed under section 2 of this Act, and in pursuance of the provisions of this Act authorizing the said loan, shall not be repealed until the debt created under such by-law, and the interest thereon, shall be paid and satisfied. By-laws not to be repealed until debt satisfied.

5 9. Sections 411, 412 and 413 of *The Consolidated Municipal Act, 1883*, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act. 46 V. c. 18, ss. 411-413, incorporated in this Act.

10 10. The said municipal council shall, and it shall be the duty of the treasurer of the said town for the time being to invest or deposit from time to time all moneys raised by the special rate provided by this Act, and the by-law or by-laws imposing the same or derived from the investment or deposit of the said moneys as herein mentioned, less the interest payable in respect of the said debentures to be issued in pursuance of this Act for the then current year, in any one of the modes of investment or deposit authorized by section 6 of this Act, as the said council shall direct and upon such terms as the said council and bank or Government shall agree upon, and such moneys shall only be withdrawn therefrom, as the same may be required from time to time for the payment and redemption of the lastly mentioned debentures, or the said outstanding debts and liabilities, or some part thereof, and to apply the residue of such moneys from time to time to the payment of the interest on the said debentures and not otherwise, nor for any other purpose whatever. Investment of money raised by special rate.

11. It shall be the duty of the treasurer from time to time of the said town to keep, and it shall be the duty of each of the members from time to time of the said municipal council to procure such treasurer to keep, and see that he does keep, a proper book of account setting forth a full and particular statement, so that the same shall at all times shew the number of debentures which from time to time shall be issued under the powers conferred by this Act, and the respective amounts, payment of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall from time to time be realized from the sales or negotiation of the said debentures, and the application which shall from time to time be made of the said amounts, and as to so much thereof as shall at any time or times be deposited or invested as directed by section 6 of this Act; the said book of account and statement shall set forth and shew the amount and the place or places of such deposits, and the amount and the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall from time to time be made, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town, and of any of the holders from time to time of the debentures which shall be issued under the powers hereby conferred or of any of such debentures. Treasurer to keep books of account.

12. Any provisions in the Acts respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act, or any of them shall not apply. Inconsistent provisions in Municipal Acts not to apply.

apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form, either of the said debentures authorized to be issued by this Act, or of the by-law, or by-laws authorizing the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any, or either of them, or any part thereof. 5

Liability of
corporation
not dis-
charged.

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the town of Orangeville from any indebtedness or liability which may not be included in the said debt. 10

Form of de-
bentures and
by-laws.

14. The debentures to be issued under this Act may be in the form contained in Schedule A to this Act, and the by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form Schedule B to this Act. 15

SCHEDULE A.

PROVINCE OF ONTARIO, TOWN OF ORANGEVILLE.

DEBENTURE.

Under and by virtue of the Act passed in the 49th year of the reign of Her Majesty Queen Victoria, intituled "An Act to consolidate the debt of the Town of Orangeville."

The corporation of the Town of Orangeville, in the County of Dufferin and Province of Ontario, promise to pay to the bearer at the sum of on the day of , 18 , and the coupons for interest thereon hereto attached, as the same shall severally become due.

Dated at the Town of Orangeville, in the County of Dufferin, this day of , A.D. 18 .

SCHEDULE B.

By-law No. of the municipal council of the corporation of the Town of Orangeville.

By-law to authorize the issue of debentures for the sum of \$, under the authority of the Act passed in the 49th year of the reign of Her Majesty Queen Victoria, intituled "An Act to consolidate the debt of the Town of Orangeville."

Whereas the said Act authorizes the issue of debentures for the purposes therein mentioned, to an amount not exceeding \$67,000, as the corporation of the Town of Orangeville may in pursuance of and conformity with the provisions of the said Act direct; and whereas for the purposes mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$, payable on the day of with interest thereon, at the rate of per centum per annum'

payable yearly, according to the coupons to the said debentures attached;

And whereas the amount of the whole taxable property of the said Town of Orangeville, according to the last Revised Assessment Roll of the said town being for the year 18 , was \$

Therefore the municipal corporation of the Town of Orangeville enacts as follows:

1. That debentures under the said Act, and for the purposes therein mentioned, to the extent of the sum of \$ are hereby authorized and directed to be issued

2. The said debentures shall have coupons thereto attached for the payment of interest, at the rate of per centum per annum, payable yearly, on the days of

This by-law passed in open council this day of A.D. 18 .

No. 2.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

Act to consolidate the debt of the Town of
Orangeville.

*(Reprinted as amended by Private Bills
Committee.)*

First Reading, 15th February, 1886.

(Private Bill.)

Mr. MCGHER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to incorporate The Nosbonsing and Nipissing
Railway Company.

WHEREAS John Rudolphus Booth hath constructed and Preamble.
operated a line of railway from a point at South-East
Bay on Lake Nipissing, in the township of Himsworth, to a
point on Lake Nosbonsing, in the township of Ferris; and
5 whereas the persons hereinafter named have, by their petition,
prayed to be incorporated as a company for constructing, equip-
ping and operating a railway from the above points, or for the
purpose of acquiring from the said John Rudolphus Booth, the
said line of railway already constructed, and for equipping and
10 operating the same; and whereas it is expedient to grant the
prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

15 **1.** Charles Jackson Booth, John Frederick Booth, Andrew Incorporation.
Walker Fleck, James Arthur Seybold, William Anderson,
together with such other persons and corporations as shall, in
pursuance of this Act, become shareholders in the company
hereby incorporated, shall be and are hereby constituted a
20 body corporate and politic by and under the name of "The
Nosbonsing and Nipissing Railway Company."

2. The said company hereby incorporated and their agents Location of line.
or servants, shall have full power and authority under this Act
to lay out, construct, finish, equip and operate a double or
25 single iron or steel railway of any gauge from some point at
South-East Bay on Lake Nipissing, in the township of Hims-
worth, to a point on Lake Nosbonsing in the township of Ferris.

3. The persons named in the first section of this Act shall Provisional directors.
be and are hereby constituted a Board of Provisional Directors
30 of the said company, of whom a majority shall form a quorum,
with power to fill vacancies occurring thereon, and to associate
with themselves thereon not more than three others who, upon
being so named, shall also become and be Provisional Directors
equally with themselves, and shall hold office as such until the
35 first election of directors under this Act.

4. The said Board of Provisional Directors shall have power Powers of provisional directors.
and authority, after the passing of this Act, to open stock
books and to receive subscriptions of stock for the undertaking,
and in so doing may exclude any person or persons from sub-
40 scribing, who, in their opinion, would hinder or delay the
Company from proceeding with and completing their under-

taking under the provisions of this Act, and if at any time a portion or more than the whole of the stock shall have been subscribed, the said Provisional Directors or Board of Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if in their judgment such exclusion will best secure the building of the said railway. 5

Form of conveyances.

5. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in Schedule A hereunder written or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. 20

When only subscriptions for stock to bind company.

6. No subscription for stock in the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. 25

Aid to company.

7. The said company may receive, either from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, bonuses, loans or gifts of money or securities for money, in aid of the construction, equipment or maintenance of the said railway. 30

Capital stock.

8. The capital of the company hereby incorporated shall be \$250,000, with power to increase the same in the manner provided by *The Railway Act of Ontario*, to be divided into twenty-five hundred shares of \$100 each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and after that for the purposes of the company. 35

Power to purchase line of railway from J. R. Booth.

9. When and as soon as shares to the amount of \$50,000 in the capital stock of the said company shall have been subscribed and ten per centum paid thereon, the said Provisional Directors, or a majority of them, shall have power in the name and on behalf of the company hereby incorporated, to purchase and acquire from John Rudolphus Booth all that line of railway constructed by him from a point on lot number six in the twenty-fourth concession at East Bay on Lake Nipissing, in the township of Himsworth, to a point on lot number nineteen in the third concession, on Lake Nosbonsing in the township of Ferris, together with the right of way ninety-nine feet wide crossing lots now occupied by the line of railway, also the road bed and rails, and all the buildings, saw mills, tramways, machinery, engines, locomotives, cars and every material and description of property used and enjoyed by the said John 45 50

Rudolphus Booth, in and about the construction, equipment and working of his said line of railway, and the said Provisional Directors or other directors shall have the power and authority to allot to the said John Rudolphus Booth, upon his acceptance thereof, shares in the company incorporated hereby, in payment for the said line of railway and other property acquired by the said company from the said John Rudolphus Booth, which said shares in the hands of the said John Rudolphus Booth and his respective assigns thereof, shall be deemed to be and shall be fully paid up shares notwithstanding that no money has been paid thereon.

10. When and as soon as shares to the amount of \$50,000 in the capital stock of the company shall have been subscribed and ten per centum thereof paid into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, which shall on no account be withdrawn therefrom unless for the services of the company, the said Provisional Directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one newspaper published in the City of Ottawa, of the time, place and purpose of said meeting.

11. At such general meeting the shareholders present who shall have paid up ten per centum on their shares, and the shareholders who shall hold shares allotted to John Rudolphus Booth as before expressed by such proxies as may be present, shall elect not less than five and not more than seven persons as hereinafter mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient.

12. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made upon any shares allotted to John Rudolphus Booth, as in this Act provided, and no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in the next section.

13. The general annual meeting of the shareholders of the said company shall be held in such place in the city of Ottawa or in such other place and on such days and at such hours as may be directed by by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in some newspaper published at the city of Ottawa during the four weeks preceding the week in which such meeting is to be held.

14. Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company upon such notice as is provided in the last preceding section.

15. The said company shall have power and authority to become parties to promissory notes and bills of exchange for

to promissory
notes, etc.

sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the President or Vice-President of the company, and countersigned by the Secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company, 5 and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the President, 10 Vice-President or the Secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the 15 said company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Agreements
with com-
panies or per-
sons for leas-
ing rolling
stock.

16. It shall be lawful for the directors of the company to enter into any agreement with any company or companies, if 20 lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with 25 any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon. 30

Telegraph
lines.

17. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line, the powers conferred upon telegraph companies by *The Act respecting Electric Telegraph Companies* (chapter 151 of 35 the Revised Statutes of Ontario) are hereby conferred upon the said company.

Rights of
aliens.

18. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in 40 this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Transfer of
Shares.

19. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no 45 transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Power to
collect back
charges.

20. The said company shall have power to collect and 50 receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities

as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

- 21.** The directors of the company may grant to any other company running powers over their lines, or any part thereof, or they may make any traffic arrangements with any other company as they may think proper and for such periods as they may deem best, or they may lease or purchase any other railway lawfully authorized in that behalf; they may agree with any other company for running powers over the railways of any such other company, or they may agree for station and other accommodation, all such agreements, leases or purchases to be on such terms and conditions as the directors of the companies parties thereto may deem proper; provided, however, no such agreement shall be binding until it has been submitted to a special general meeting of the shareholders of the company created by this Act, and shall have been approved by a majority in value of the said shareholders present, in person or by proxy, voting at the meeting.

Power to make traffic arrangements with other companies.

Proviso.

- 22.** Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and sell and convey the same or part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots.

- 23.** When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the land on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of the *Railway Act of Ontario*, as varied and modified by the special Acts relating to the company, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration in case arbitration is resorted to, state the interest required.

Power to take gravel, etc., for construction or maintenance.

- 24.—(1)** When said gravel, stone, earth or sand shall be taken under the preceding sections of this Act, at a distance

Sidings to quarries and gravel pits.

from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of the special 5 Acts relating to the company, except such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which materials are situated, and such right may be so acquired for a term of years or permanently as the company 10 may think proper, and the powers in this and the preceding sections may at all times be exercised and use in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, 15 sand, stone, or earth, sub-section 8 of section 20 of *The Railway Act of Ontario*, shall not apply.

Power to
purchase
wharves, etc.

25. It shall be lawful for the company at any point where the railway or any branch thereof approaches within two miles of any navigable waters, to purchase and hold as its own 20 absolute property, wharves, piers, docks, water lots and lands; and upon the said water lots and lands and in and over the waters adjoining the same, to build and erect elevators, store-houses, warehouses, and engine-houses, sheds, wharves, docks, piers, and other erections for the use of the company, and the 25 steam and other vessels owned, worked or controlled by the company, or any other steam or other vessels; and to collect wharfage and storage charges for the use of the same, and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such 30 works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works, and the said wharves, piers and docks, water lots, lands, elevators, store-houses, warehouses, engine-houses, sheds and other erections, 35 or any thereof, or any portions thereof in its discretion to sell, lease or convey.

Power to
purchase
vessels, etc.

26. It shall be lawful for the company, to purchase, build, complete, fit out and charter, sell and dispose of work and control, and keep in repair steam or other vessels, from time to 40 time to ply on lakes, rivers and canals of this Province in connection with the said railway, and also to make arrangements and agreements with the steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway. 45

Power to con-
tract for con-
struction of
railway.

27. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment, or both, of any part of the company's lines yet to be built or completed, or for the construction or completion of any extension or improvement 50 or improvements of their lines, or any branches authorized by this Act, or any part of any such, and including or excluding the purchase of right of way, and to pay therefor, either in the whole or in part, either in cash or bonds or paid up stock, or partly in one and partly in the other, or otherwise howso- 55 ever as the said directors shall deem best.

28. It shall be lawful for the directors to pass by-laws for regulating the time, mode and manner of running passenger and freight trains, and the rates, tolls and charges for all services connected therewith, and for determining or limiting the time and seasons for such running and services, according as it may be deemed beneficial and profitable for the company.

Power to regulate running of trains, and the rate for passengers and freight.

29. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established, in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that such snow fences so erected shall be removed on or before the first day of April following.

Snow fences. Proviso.

SCHEDULE.

(Sections 5.)

Know all men by these presents that I (or we), [*insert the name or names of the vendor or vendors*] (or us), in consideration of _____ dollars paid to me by the Nosbonsing and Nipissing Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company; and I (or we), [*insert the name of any other party or parties*] (or us), in consideration of _____ dollars paid to me by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or these certain parcels, *as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Nosbonsing and Nipissing Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I (or we) the wife (or wives) of the said _____ do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal this
day of _____ A.D. 188 .

Signed, sealed and delivered
in the presence of

[L.S.]

No. 3.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to incorporate the Nosbonsing and
Nipissing Railway Company.

First Reading,	1886.
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(Private Bill.)

Mr. DILL.

An Act to incorporate The Nosbonsing and Nipissing
Railway Company.

WHEREAS John Rudolphus Booth *has constructed and* Preamble.
operated a line of railway from a point at South-East
Bay on Lake Nipissing, in the township of Himsworth, to a
point on Lake Nosbonsing, in the township of Ferris; and
5 whereas the persons hereinafter named have, by their petition,
prayed to be incorporated as a company for constructing, equip-
ping and operating a railway from the above points, or for the
purpose of acquiring from the said John Rudolphus Booth, the
said line of railway already constructed, and for equipping and
10 operating the same; and whereas it is expedient to grant the
prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

15 1. Charles Jackson Booth, John Frederick Booth, Andrew
Walker Fleck, James Arthur Seybold, William Anderson,
together with such other persons and corporations as shall, in
pursuance of this Act, become shareholders in the company
hereby incorporated, shall be and are hereby constituted a
20 body corporate and politic by and under the name of "The
Nosbonsing and Nipissing Railway Company."

2. The said company hereby incorporated and their agents Location of
or servants, shall have full power and authority under this Act line.
to lay out, construct, finish, equip and operate a double or
25 single iron or steel railway from some point at South-East Bay
on Lake Nipissing, in the township of Himsworth, to a point
on Lake Nosbonsing in the township of Ferris.

3. The gauge of the said railway shall be four feet eight Gauge.
and one-half inches.

30 4. The persons named in section 1 of this Act shall Provisional
be and are hereby constituted a Board of Provisional Directors directors.
of the said company, of whom a majority shall form a quorum,
with power to fill vacancies occurring thereon, and to associate
with themselves thereon not more than three others who, upon
35 being so named, shall also become and be Provisional Directors
equally with themselves, and shall hold office as such until the
first election of directors under this Act.

5. The said Board of Provisional Directors shall have power Powers of
and authority, after the passing of this Act, to open stock provisional
40 books and to receive subscriptions of stock for the undertaking, directors.

and in so doing may exclude any person or persons from subscribing, who, in their opinion, would hinder or delay the Company from proceeding with and completing their undertaking under the provisions of this Act, and if at any time a portion or more than the whole of the stock shall have been subscribed, the said Provisional Directors or Board of Directors shall allocate and apportion it amongst the subscribers as they shall deem most advantageous, and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if in their judgment such exclusion will best secure the building of the said railway. 10

Form of conveyances.

6. Conveyances of lands to the said company for the purposes of *and under the powers given by* this Act, made in the form set forth in Schedule A hereunder written or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no Registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. 15 20

When only subscriptions for stock to bind company.

7. No subscription for stock in the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription. 25

Aid to company.

8. The said company may receive, either from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, 30 bonuses, loans or gifts of money or securities for money, in aid of the construction, equipment or maintenance of the said railway.

Capital stock.

9. The capital of the company hereby incorporated shall be \$250,000, with power to increase the same in the manner provided by *The Railway Act of Ontario*, to be divided into twenty-five hundred shares of \$100 each, and the money so raised shall be applied in the first place to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and after that for the purposes of the company. 35 40

Power to purchase line of railway from J. R. Booth.

10. When and as soon as shares to the amount of \$50,000 in the capital stock of the said company shall have been subscribed and ten per centum paid thereon, the said Provisional Directors, or a majority of them, shall have power in the name 45 and on behalf of the company hereby incorporated, to purchase and acquire from John Rudolphus Booth all that line of railway constructed by him from a point on lot number six in the twenty-fourth concession at East Bay on Lake Nipissing, in the township of Himsworth, to a point on lot number nineteen 50 in the third concession, on Lake Nosbonsing in the township of Ferris, together with the right of way ninety-nine feet wide crossing lots now occupied by the line of railway, also the road

- bed and rails, and all the buildings, saw mills, tramways, machinery, engines, locomotives, cars and every material and description of property *acquired*, used and enjoyed by the said John Rudolphus Booth, in and about the construction, equipment and working of his said line of railway, and the said Provisional Directors or other directors shall have the power and authority to allot to the said John Rudolphus Booth, upon his acceptance thereof, shares in the company incorporated hereby, in payment for the said line of railway and other property acquired by the said company from the said John Rudolphus Booth, which said shares in the hands of the said John Rudolphus Booth and his respective assigns thereof, shall be deemed to be and shall be fully paid up shares notwithstanding that no money has been paid thereon.
- 15 **11.** When and as soon as shares to the amount of \$50,000 First meeting of company. in the capital stock of the company shall have been subscribed and ten per centum thereof paid into some chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, which shall on no account be with-
- 20 drawn therefrom unless for the services of the company, the said Provisional Directors, or a majority of them, shall call a general meeting of the shareholders for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one
- 25 newspaper published in the City of Ottawa, of the time, place and purpose of said meeting.
- 12.** At such general meeting the shareholders present who shall have paid up ten per centum on their shares, and the shareholders who shall hold shares allotted to John Rudolphus
- 30 Booth as before expressed, with such proxies as may be present, shall elect not less than five and not more than seven persons as hereinafter mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient.
- 35 **13.** The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made upon any shares allotted to John Rudolphus Booth, as in this Act provided, and no calls shall be made at any one time of more than
- 40 ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in the next section. Calls.
- 14.** The general annual meeting of the shareholders of the said company shall be held in such place in the city of Ottawa
- 45 or in such other place and on such days and at such hours as may be directed by by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in some newspaper published at the city of Ottawa during the four weeks preceding the
- 50 week in which such meeting is to be held. Annual meetings.
- 15.** Special general meetings of the shareholders of the said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of the said company upon such notice as is provided in
- 55 the last preceding section. Special meetings.

Power to become parties to promissory notes, etc.

16. The said company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the President or Vice-President of the company, and countersigned by the Secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange; nor shall the President, Vice-President or the Secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

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Agreements with companies or persons for leasing rolling stock.

17. It shall be lawful for the directors of the company to enter into any agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Telegraph lines.

18. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line, the powers conferred upon telegraph companies by *The Act respecting Electric Telegraph Companies* (chapter 151 of the Revised Statutes of Ontario) are hereby conferred upon the said company.

Rights of aliens.

19. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

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Transfer of Shares.

20. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

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Power to collect back charges.

21. The said company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back

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charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the persons to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

22. The directors of the company may grant to any other company running powers over their lines, or any part thereof, or they may make any traffic arrangements with any other company *lawfully authorized in that behalf*, as they may think proper and for such periods as they may deem best; they may agree with any other company for running powers over the railways of any such other company, or they may agree for station and other accommodation, all such *grants, arrangements or agreements* to be on such terms and conditions as the directors of the companies parties thereto may deem proper; provided, however, no such agreement shall be binding until it has been submitted to a special general meeting of the shareholders of the company created by this Act, and shall have been approved by *two-thirds* in value of the shareholders present, in person or by proxy, voting at the meeting.

Power to make traffic arrangements with other companies.

23. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and *may* sell and convey the same or part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots.

24. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the land on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required and they shall serve a copy thereof with their notice of arbitration, as in the case of acquiring the right of way; and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the right of way, and all the provisions of the *Railway Act of Ontario, and of this Act*, as to the service of the said notice of arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken or who may sell, shall apply to the subject matter of this section, and to the obtaining materials as aforesaid, and such proceedings may be had by the company, either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration in case arbitration is resorted to, to state the interest required.

Power to take gravel, etc., for construction or maintenance.

25.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance

Sidings to quarries and gravel pits.

from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which such materials shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of *this Act*, except 5 such as relate to filing plans and publications of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which *such* materials are situated, and such right may be so acquired for a term of years or permanently as the company may think proper, and the 10 powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

(2) When estimating the damages for the taking of gravel, 15 sand, stone, or earth, sub-section 8 of section 20 of *The Railway Act of Ontario*, shall not apply.

Power to
purchase
wharves, etc.

26. It shall be lawful for the company at any point where the railway or any branch thereof approaches within two miles of any navigable waters, to purchase and hold as its own 20 absolute property, and for the use of the company, wharves, piers, docks, water lots and lands; and upon the said water lots and lands and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses, and engine-houses, sheds, wharves, docks, piers, and other erections 25 for the use of the company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessels; and to collect wharfage and storage charges for the use of the same, and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and 30 proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works, and the said wharves, piers and docks, water lots, lands, elevators, storehouses, warehouses, engine- 35 houses, sheds and other erections, or any thereof, or any portions thereof in its discretion to sell, lease or convey.

Power to
purchase
vessels, etc.

27. It shall be lawful for the company, to purchase, build complete, fit out and charter, sell and dispose of work and control, and keep in repair steam or other vessels, from time to 40 time to ply on lakes, rivers and canals of this Province in connection with the said railway, and also to make arrangements and agreements with the steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway. 50

Power to con-
tract for con-
struction of
railway.

28. It shall be lawful for the directors to enter into a contract or contracts with any individual or association of individuals for the construction or equipment, or both, of any part of the company's lines yet to be built or completed, or for the construction or completion of any extension or improvement 55 or improvements of their lines, or any branches authorized by this Act, or any part of any such, and including or excluding the purchase of right of way, and to pay therefor, either in the whole or in part, either in cash or bonds or paid up stock, or partly in one and partly in the other, or otherwise howso- 55 ever as the said directors shall deem best.

29. The company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established, in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that such snow fences so erected shall be removed on or before the first day of April following.

SCHEDULE.

(Section 6.)

Know all men by these presents that I (or we), [*insert the name or names of the vendor or vendors*], in consideration of dollars paid to me (or us) by the Nosbonsing and Nipissing Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company; and I (or we), [*insert the name of any other party or parties*], in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, as the case may be) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said Nosbonsing and Nipissing Railway Company, their successors and assigns (*here insert any other clauses, covenants or conditions required*), and I (or we) the wife (or wives) of the said do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of A.D. 188

Signed, sealed and delivered
in the presence of

[L.S.]

No. 3.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to incorporate the Nosbousing and
Nipissing Railway Company.

*(Reprinted as amended by Railway
Committee.)*

First Reading, 12th February, 1886.

(Private Bill.)

Mr. DILL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to further amend the Acts respecting the
Lake Scugog Marsh Lands Drainage Company.

WHEREAS the Lake Scugog Marsh Lands Drainage Com- Preamble.
pany have prayed for certain amendments to their Act
of Incorporation passed in the 42nd year of Her Majesty's
reign, and chaptered 49, and amended by an Act passed in
5 the 44th year of Her Majesty's reign, and chaptered 54, and
again amended by an Act passed in the 46th year of Her
Majesty's reign, and chaptered 60, and it is expedient to grant
the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent
10 of the Legislative Assembly of the Province of Ontario, enacts
as follows :

1. The time for commencing the works to be carried on Time of com-
under the said Acts and this Act is hereby extended for six men-
months, but thereafter the said works shall be continuously
15 carried on and completed within four years. work
extended.

2. The services rendered by Robert Armour of the Town of Moneys due
Bowmanville, as solicitor for the said Company in drawing and to R. Armour
getting passed the several Acts relating to the said Company, to be a first
and furnishing money therefor, and in purchasing lands and charge on
20 otherwise, shall be and are hereby declared to be a first charge lands of
on the lands of the said Company. company.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to further amend the Acts respecting the Lake Seugog Marsh Lands Drainage Company.

First Reading,	1886.
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(Private Bill.)

MR. McLAUGHLIN.



TORONTO:



PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.


An Act to further amend the Acts respecting the
Lake Scugog Marsh Lands Drainage Company.

WHEREAS the Lake Scugog Marsh Lands Drainage Com- Preamble.
pany have prayed for certain amendments to their Act
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reign, and chaptered 49, and amended by an Act passed in
15 the 44th year of Her Majesty's reign, and chaptered 54, and
again amended by an Act passed in the 43th year of Her
Majesty's reign, and chaptered 60, and it is expedient to grant
the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent
10 of the Legislative Assembly of the Province of Ontario, enacts
as follows :

 **1.** The said Act incorporating the said the Lake Scugog Act of incor-
Marsh Lands Drainage Company and the Acts amending poration and
the same, are hereby continued in full force and effect so far amending
15 as the same are not inconsistent with anything in this Act Acts, con-
contained and as amended hereby ; and the said company, tinued.
under the name hereby assigned to it, shall have a further
period of six months from the passing of this Act for the
commencing of the work to be done under the said Acts, but
20 thereafter the said works shall be continuously carried on and
completed within four years. 

 **2.** The name of the said company is hereby changed to Name of com-
" The Scugog Grazing Company," and the company under such pany changed.
name shall be entitled to all the privileges and may exercise
25 all the rights and powers, and shall be subject to all the
obligations and duties of the said the Lake Scugog Marsh Lands
Drainage Company, as in the said several Acts set forth and con-
tained ; and the said Act of Incorporation and amending Acts
recited in the preamble of this Act, shall be hereafter read with
30 the name of the Scugog Grazing Company inserted where the
name of the Lake Scugog Marsh Lands Drainage Company is
found therein. 

 **3.** The said company shall have power, in addition to the Powers of
powers conferred by their Act of Incorporation and the company.
35 amending Acts, to acquire other lands in addition to those
already acquired in any part of Ontario, and to carry on the
business of farming in all its several branches, and to establish
creameries and cheese factories, and to buy and sell cattle and
all kinds of stock, and to carry on the business of grazing and
40 of raising all kinds of farm produce, and of selling the same
and of importing and exporting stock of all kinds, and to carry
on gristing, grinding, milling and all trades and all kinds of

business incident to, or pertaining to, or necessary in and about the carrying on of the works or business, contemplated by the said Act of Incorporation and the Acts amending the same, including this Act, but nothing herein contained shall be construed as giving the said company powers of expropriation. 5

Pending actions.

4. All actions and proceedings now pending against the Lake Scugog Marsh Lands Drainage Company may be prosecuted and carried on against the said company, as if the name of said company had not been changed. 10

R. S. O. c. 150, incorporated.

5. The Act intituled *An Act respecting the Incorporation of Joint Stock Companies by Letters Patent* shall be incorporated in this Act and be taken and read as a portion thereof, except in so far as any of the clauses herein shall conflict therewith. 15

No. 4.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to further amend the Acts respecting the Lake Scugog Marsh Lands Drainage Company.

(Reprinted as amended by Railway Committee.)

First Reading, 12th February, 1886.

(Private Bill.)

MR. McLAUGHLIN.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act to further amend the Acts respecting the
Lake Scugog Marsh Lands Drainage Company.


WHEREAS the Lake Scugog Marsh Lands Drainage Com- Preamble.
pany have prayed for certain amendments to their Act
of Incorporation passed in the 42nd year of Her Majesty's
reign, and chaptered 49, and amended by an Act passed in
the 44th year of Her Majesty's reign, and chaptered 54, and
again amended by an Act passed in the 46th year of Her
Majesty's reign, and chaptered 60, and it is expedient to grant
the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—



1. The said Act incorporating the said the Lake Scugog Act of incor-
poration and
amending
Acts, con-
tinued.
Marsh Lands Drainage Company and the Acts amending
the same, are hereby continued in full force and effect so far
as the same are not inconsistent with anything in this Act
contained and as amended hereby; and the said company,
under the name hereby assigned to it, shall have a further
period of six months from the passing of this Act for the
commencing of the work to be done under the said Acts, but
thereafter the said works shall be continuously carried on and
completed within four years.

2. The name of the said company is hereby changed to Name of com-
pany changed
"The Scugog Grazing Company," and the company under such
name shall be entitled to all the privileges and may exercise
all the rights and powers, and shall be subject to all the
obligations and duties of the said the Lake Scugog Marsh Lands
Drainage Company, as in the said several Acts set forth and con-
tained; and the said Act of Incorporation and amending Acts
recited in the preamble of this Act, shall be hereafter read with
the name of the Scugog Grazing Company inserted where the
name of the Lake Scugog Marsh Lands Drainage Company is
found therein.



3. The said company shall have power, in addition to the Powers of
company.
powers conferred by their Act of Incorporation and the
amending Acts, to carry on the business of farming in
all its several branches, and to establish creameries and
cheese factories, and to buy and sell cattle and all kinds of
stock, and to carry on the business of grazing and of raising
all kinds of farm produce, and of selling the same and of
importing and exporting stock of all kinds, and to carry on
gristing, grinding, milling and all trades and all kinds of
business incident to, or pertaining to, or necessary in and

about the carrying on of the works or business, contemplated by the said Act of Incorporation and the Acts amending the same, including this Act. 



Expropriation
of lands.

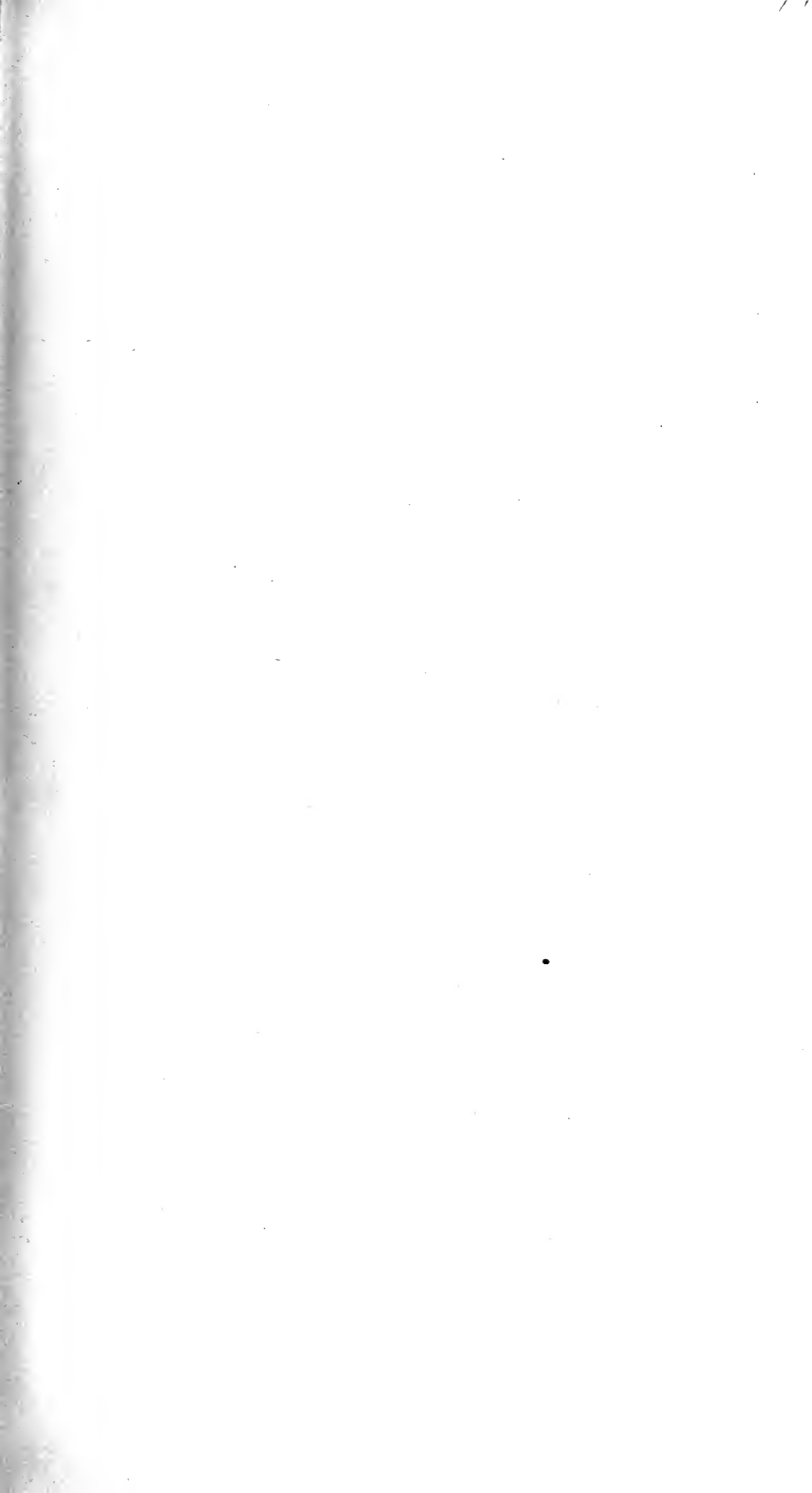
 4. The said company shall not under this or any former Acts have power to expropriate lands except so far only as 5 may be necessary for acquiring marsh lands adjoining the marsh lands already acquired by the said company, and for the purposes of the construction, maintenance and keeping in repair of certain dams and embankments, and for the further purposes of acquiring lands for public roadways across the 10 said marsh lands and for procuring earth and other materials necessary to construct the same and keep the same in repair: provided that any powers in and by this section given to the said company to acquire lands shall be exercised only in pursuance of the provisions in that behalf contained in the 15 statutes relating to the said company and not otherwise. 

Pending
actions.

 5. All actions and proceedings now pending against the Lake Scugog Marsh Lands Drainage Company may be prosecuted and carried on against the said company, as if the name of said company had not been changed.  20

R. S. O. c. 150,
incorporated.

 6. The Act intituled *An Act respecting the Incorporation of Joint Stock Companies by Letters Patent* shall be incorporated in this Act and be taken and read as a portion thereof, except in so far as any of the clauses herein shall conflict 25 therewith. 



No. 4.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to further amend the Acts respecting the Lake Seugog Marsh Lands Drainage Company.

(Reprinted as again amended, by Private Bills Committee.)

First Reading, 12th February, 1886.

Second " 22nd " 1886.

(Private Bill.)

Mr. McLAUGHLIN.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to further amend the Acts respecting the
Lake Scugog Marsh Lands Drainage Company.

WHEREAS the Lake Scugog Marsh Lands Drainage Com- Preamble.
pany have prayed for certain amendments to their Act
of Incorporation passed in the 42nd year of Her Majesty's
reign, and chaptered 49, and amended by an Act passed in
15 the 44th year of Her Majesty's reign, and chaptered 54, and
again amended by an Act passed in the 43th year of Her
Majesty's reign, and chaptered 60, and it is expedient to grant
the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent
10 of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. The said Act incorporating the said the Lake Scugog Act of incor-
Marsh Lands Drainage Company and the Acts amending poration and
the same, are hereby continued in full force and effect so far amending
15 as the same are not inconsistent with anything in this Act Acts, con-
contained and as amended hereby ; and the said company, tinued.
under the name hereby assigned to it, shall have a further
period of six months from the passing of this Act for the
commencing of the work to be done under the said Acts, but
20 thereafter the said works shall be continuously carried on and
completed within four years.

2. The name of the said company is hereby changed to Name of com-
“ The Scugog Grazing Company,” and the company under such pany changed
name shall be entitled to all the privileges and may exercise
25 all the rights and powers, and shall be subject to all the
obligations and duties of the said the Lake Scugog Marsh Lands
Drainage Company, as in the said several Acts set forth and con-
tained ; and the said Act of Incorporation and amending Acts
recited in the preamble of this Act, shall be hereafter read with
30 the name of the Scugog Grazing Company inserted where the
name of the Lake Scugog Marsh Lands Drainage Company is
found therein ; and nothing in this Act contained shall affect
any action or proceeding pending by or against the said com-
pany, but the same may be prosecuted and carried on as if the
35 name of the said company had not been changed.

3. The said company shall have power, in addition to the Powers of
powers conferred by their Act of Incorporation and the company.
amending Acts, to carry on the business of farming in
all its several branches, and to establish creameries and
40 cheese factories, and to buy and sell cattle and all kinds of
stock, and to carry on the business of grazing and of raising
all kinds of farm produce, and of selling the same and of

importing and exporting stock of all kinds, and to carry on gristing, grinding, milling and all trades and all kinds of business incident to, or pertaining to, or necessary in and about the carrying on of the works or business, contemplated by the said Act of Incorporation and the Acts amending the same, including this Act. 5

Expropriation
of lands.

4. The said company shall not under this or any former Acts have power to expropriate lands except so far only as may be necessary for the purposes of the construction, maintenance and keeping in repair of certain dams and embankments, and for the further purposes of acquiring lands for public roadways across the said marsh lands and for procuring earth and other materials necessary to construct the same and keep the same in repair: provided that any powers in and by this section given to the said company to acquire lands shall be exercised only in pursuance of the provisions in that behalf contained in the statutes relating to the said company and not otherwise. 10 15

R. S. O. c. 130,
incorporated.

5. The Act intituled *An Act respecting the Incorporation of Joint Stock Companies by Letters Patent* shall be incorporated in this Act and be taken and read as a portion thereof, except in so far as any of the clauses herein shall conflict therewith. 20

No. 4.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to further amend the Acts respecting the Lake Seengog Marsh Lands Drainage Company.

(Reprinted as again amended by Committee of the Whole House.)

First Reading,	12th February,	1886.
Second " "	22nd " "	1886.

(Private Bill).

Mr. McLAUGHLIN.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the Village of Huntsville.

WHEREAS the inhabitants of the Village of Huntsville, in the district of Muskoka, have by their petition represented that the said village has a population of seven hundred and fifty souls, and that the incorporation of the said village would promote its progress and prosperity, and have prayed for its incorporation accordingly, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

10 **1.** On and after the passing of this Act the inhabitants of the said Village of Huntsville confined within the boundary hereinafter mentioned, shall be and are hereby constituted a body corporate, separate and apart from the Township of Chaffey in which the said village is now situate, under the
15 name of the "Corporation of the Village of Huntsville," and shall enjoy all such rights, powers and privileges as are now or shall be hereafter conferred on incorporated villages in the Province of Ontario.

Village of
Huntsville
incorporatd.

20 **2.** The said Village of Huntsville shall be contained within the following limits, namely, commencing on the second concession of the Township of Chaffey on the boundary line between lots numbers sixteen and seventeen ten chains north of the blind line between the first and second concessions; thence
25 westerly on a line parallel to the said blind line across lots numbers sixteen, fifteen, fourteen and thirteen to the south-west bank of the Muskoka River; thence westerly following the various windings of the said river along its southern bank to Hunter's Bay; thence south and westerly along the windings of
30 Hunter's Bay to a point on the boundary between lots numbers eight and nine on the first concession; thence directly west seven chains; thence directly south to the south side of the Northern and Pacific Junction Railway; thence easterly along the southern side of the said railway line to the south side of the Muskoka road; thence easterly along the south side of the
35 said road to the side line between lots numbers ten and eleven; thence south along the east side of the said side-road to a point within fifteen chains of the centre of the boundary line between the Townships of Chaffey and Brunel; thence easterly across lots numbers eleven and twelve on a line parallel with the said
40 township boundary line to a point on the boundary line between lots numbers twelve and thirteen; thence south along the boundary line between lots numbers twelve and thirteen to the boundary line between the Townships of Chaffey and Brunel;

Boundaries.

thence easterly along the said boundary line to Fairy Lake; thence northerly along the boundary line between lots sixteen and seventeen to the starting point, and containing by estimation five hundred acres exclusive of the waters of Muskoka River.

5

First election
of Reeve and
Council.

3. Immediately after the passing of this Act it shall be lawful for Henry Steven May, Esq., of the said village, who is hereby appointed the Returning Officer, to hold the nomination for the first election of Reeve and four councillors, and he shall give at least eight days' notice thereof by causing at least ten notices to be posted up in conspicuous places and one insertion in a newspaper published in the village (if any), and he shall preside at such nomination or in case of his absence the electors present shall choose from among themselves a chairman who shall officiate and shall have all the powers of a Returning Officer, and the polling for the said election, in the event of a poll being required, shall be held on the same day of the week next following the said nomination, and the duties of the said Returning Officer shall be the same as those required by law in incorporated villages.

20

Qualification
of electors
and officers.

4. At the first election the qualification of the electors and of the Reeve and councillors for the said village shall be the same as that required in the Township of Chaffey, and at all subsequent elections the qualification of the electors and of the Reeve and councillors shall be the same as that required in 25 incorporated villages.

Clerk of town-
ship of
Chaffey to
furnish copies
of the rolls.

5. The township clerk of Chaffey shall furnish the said Returning officer, upon demand being made upon him for the same, with a certified copy of so much of the last revised assessment roll of the said township as may be required to 30 ascertain the names of persons entitled to vote at such first election or with the the collector's roll or any other writing, or statement that may be necessary.

First meeting
of Council.

6 The Reeve and councillors so to be elected shall hold their first meeting in the Court House or in any other suitable 35 building selected by the Reeve elect, at the hour of noon on the same day of the week in the week next following the polling, or if there be no polling, on the same day of the week in the week next following the nomination.

Acts respect-
ing municipal
institutions to
apply.

7. Except as otherwise provided by this Act, the provisions 40 of *The Consolidated Municipal Act, 1883*, and of all other general Acts respecting municipal institutions with regard to matters consequent on the formation of new corporations, and other provisions of the said Acts applicable to incorporated villages, shall apply to the Village of Huntsville in the same 45 manner as they would have been applicable had the said Village of Huntsville been incorporated under the provisions of the said Act.

Expenses
of Act.

8. The expenses of obtaining this Act and of furnishing any copies of any documents, writings, papers or any matter what- 50 ever required by the clerk of the said village or otherwise shall be borne by the said village, and paid to any party entitled thereto.

No. 5.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to incorporate the Village of
Huntsville.

First Reading,	1886.
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(Private Bill.)

MR. DILL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act to Incorporate the Village of Huntsville.


WHEREAS the inhabitants of the Village of Huntsville, in Preamble.

the district of Muskoka, have by their petition represented that the said village has a population of seven hundred and fifty souls, and that the incorporation of the said village would promote its progress and prosperity, and have prayed for its incorporation accordingly, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. On and after the passing of this Act the inhabitants of the said Village of Huntsville confined within the boundary hereinafter mentioned, shall be and are hereby constituted a body corporate, separate and apart from the Township of Chaffey in which the said village is now situate, under the name of "The Corporation of the Village of Huntsville," and shall enjoy all such rights, powers and privileges as are now or shall be hereafter conferred on incorporated villages in the Province of Ontario. Village of Huntsville incorporated.

2. The said Village of Huntsville shall be contained within the following limits, namely, commencing on the boundary line between lots numbers sixteen and seventeen, in the second concession of the Township of Chaffey, ten chains north of the blind line between the first and second concessions ; thence westerly on a line parallel to the said blind line across lots numbers sixteen, fifteen, fourteen and thirteen, to the *southerly* bank of the Muskoka River ; thence westerly following the various windings of the said river along its southern bank to its intersection with the limit between lots numbers nine and ten in the first concession ; thence southerly along said limit to a point distant thirty chains, and fifty links from the boundary line between the Townships of Chaffey and Brunel ; thence easterly parallel to the aforesaid boundary line between the Townships of Chaffey and Brunel, across lots numbers eleven, twelve, thirteen, fourteen and fifteen, to the westerly limit of road allowance between lots numbers fifteen and sixteen in the said first concession, thence northerly along said westerly limit to the northerly bank of Muskoka River ; thence easterly along said bank to Fairy Lake, thence following the north-westerly coast of Fairy Lake to its intersection with the blind line between the first and second concessions of the aforesaid Township of Chaffey ; thence westerly along the said blind line to the limit between lots numbers sixteen and seventeen, in the second Boundaries.

concession northerly along said limit, a distance of ten chains, to the place of beginning, and containing, by estimation five hundred acres exclusive of the waters of Muskoka River, and of streets. 

First election
of Reeve and
Council.

3. Immediately after the passing of this Act it shall be law- 5
ful for Henry Steven May, Esq., of the said village, who is
hereby appointed the Returning Officer, to hold the nomination
for the first election of Reeve and four councillors, and he shall
give at least eight days' notice thereof by causing at least ten
notices to be posted up in conspicuous places and one insertion 10
in a newspaper (if any), published in the village and he shall
preside at such nomination or in case of his absence the electors
present shall choose from among themselves a chairman who
shall officiate and shall have all the powers of a Returning
Officer, and the polling for the said election, in the event of a 15
poll being required, shall be held on the same day of the week
in the week next following the said nomination, and the duties
of the said Returning Officer shall be the same as those re-
quired by law in *respect of* incorporated villages.

Qualification
of electors
and officers.

4. At the first election the qualification of the electors and 20
of the Reeve and councillors for the said village shall be the
same as that required in Townships, and at all subsequent
elections the qualification of the electors and of the Reeve,
councillors *and other officers* shall be the same as that re-
quired in incorporated villages. 25

Clerk of town-
ship of
Chaffey to
furnish copies
of the rolls.

5. The township clerk of Chaffey shall furnish the said
Returning officer, upon demand being made upon him for the
same, with a certified copy of so much of the last revised
assessment roll of the said township as may be required to
ascertain the names of persons entitled to vote at such first 30
election or with the the collector's roll or any other writing, or
statement that may be necessary *for that purpose*

First meeting
of Council.

6 The Reeve and councillors so to be elected shall hold
their first meeting in the Court House at the hour of noon on
the same day of the week in the week next following the 35
polling, or if there be no polling, on the same day of the week
in the week next following the nomination.

Acts respect-
ing municipal
institutions to
apply.

7. Except as otherwise provided by this Act, the provisions
of *The Consolidated Municipal Act, 1883*, and of all other
general Acts respecting municipal institutions with regard to 40
matters consequent on the formation of new corporations, and
other provisions of the said Acts applicable to incorporated
villages, shall apply to the Village of Huntsville in the same
manner as they would have been applicable had the said Village
of Huntsville been incorporated under the provisions of the 45
said Act.

Expenses
of Act.

8. The expenses of obtaining this Act and of furnishing any
copies of any documents, writings, papers or any matter what-
ever required by the clerk of the said village or otherwise shall
be borne by the said village, and paid to any party entitled 50
thereto.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to Incorporate the Village of
Huntsville.

*(Reprinted as amended by Committee of
Whole House.)*

First Reading,	10th February,	1886.
Second "	26th "	1886.

(Private Bill.)

Mr. DILL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the Sisters of Mercy, in the
County of Carleton.

WHEREAS Anastasie Paquin, Mathilde Lapaline, Louise Preamble.

Lussier, Elmire Normandin, and Mary Cadden, of the Township of Nepean, County of Carleton, known as Sisters of Mercy, have by their petition represented that the community
5 of which they are members, has for many years maintained a lying-in-hospital in Nepean, immediately adjoining the City of Ottawa, which has been open to all women irrespective of their religious faith; and whereas the said petitioners have prayed by the said petition that, for the better attainment of
10 the objects of their community, it may be invested with corporate powers, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts
15 as follows:

1. The ladies hereinbefore mentioned, and such other ladies as are now members of the said community, or shall hereafter become members thereof, shall be and they are hereby declared to be a body politic and corporate, by the style and title of
20 "Les Soeurs de Misericorde," hereinafter called "the Corporation."

Les Soeurs de Misericorde incorporated.

2. The Corporation may, from time to time, and at all times, acquire and hold as purchasers for the general purposes of the Corporation, any lands, tenements or hereditaments in the Province of Ontario, and the same or any part thereof, from time
25 to time, may sell or exchange, mortgage, lease, let, demise, or otherwise dispose of, and in case of sale may purchase other real estate with the purchase money arising from such sale; provided that the annual revenue of the real estate held by the
30 Corporation shall not at any one time exceed \$10,000.

Power to hold lands.

3. All lands, tenements and hereditaments, and all property, real and personal, now belonging to the said petitioners and those associated with them, shall be and the same are hereby declared to be vested in the Corporation for the purposes
35 thereof, subject, however, to all mortgages, liens and claims now existing against the said property, real and personal.

Existing property vested in corporations.

4. The revenues, issues and profits of all property held by the Corporation, shall be appropriated and applied solely to the maintenance of the members of the Corporation, the construction and repair of the buildings requisite for the purposes of the Corporation and in the maintaining the lying-in-hospitals under their control.
40

Application of revenues.

Power to make by-laws. 5. It shall be lawful for the members of the Corporation to make by-laws for the government and proper administration of the affairs of the Corporation, and from time to time to repeal and amend the same.

Rights of the Crown not affected. 6. Nothing herein shall affect, or be construed to affect, the rights of Her Majesty, or of any person or persons, or of any body corporate or politic, such only excepted as are hereinbefore mentioned and provided for.

Returns to Lieutenant-Governor. 7. The Corporation shall at all times, when required by the Lieutenant-Governor in Council, or by the Legislature of the Province, make a full return of all property, real and personal, held by it, with such details and information as may be by the Lieutenant-Governor in Council, or the Legislature of the Province, demanded.

No. 6.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to Incorporate the Sisters of Mercy,
in the County of Carleton.

First Reading, 1886.

(Private Bill)

Mr. MURRAY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Hamilton and Dundas Street
Railway Company.

WHEREAS the Hamilton and Dundas Street Railway Company have petitioned for an Act to confirm a lease of their railway to one John Weatherstone, and to enable them to increase their issue of bonds, and for other changes in their corporate powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

10 **1.** Section 4 of the Act of the Legislature of the Province of Ontario, entitled *An Act Respecting the Hamilton and Dundas Street Railway Company*, passed in the 47th year of Her Majesty's reign, and chaptered 68, is hereby amended by adding after the word "corporation" in the fifth line, the words "or to any person, partnership or firm," and the lease and agreement made by and between the said Company and John Weatherstone, dated the day of 1885, is hereby declared to be legal and binding, and within the powers of the said Company.

47 V. c. 68,
s. 4, amended.

20 **2.** Section 1 of the said Act is hereby amended by striking out the first two provisos of the said section, that is to say, all words after the word "highway" in the nineteenth line, down to the word "and" in the thirty-first line of the said section.

Sect. 1
amended.

3. Section 5 of the said Act is hereby repealed.

Sect. 5
repealed.

25 **4.** The Company are hereby authorized to call in, cancel and revoke their present issue of bonds to the extent of \$50,000, authorized by section 3 of the Act passed in the 44th year of Her Majesty's reign, and chaptered 65, and the said Company are hereby authorized and empowered to make and issue perpetual debenture stock or new bonds for the sum of \$66,000, and bearing interest at a rate not exceeding the rate of six per centum per annum, which said debenture stock or bonds shall be taken and considered to be the first and preferential charge and claim upon the undertaking and real property of the said Company and its rolling stock and equipments then existing, or at any time thereafter acquired, and its rents and income, subject always to the lien of any unpaid vendor in respect of any such property, and each holder of such debenture stock or bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking, property and income of the Company afore-

Power to
cancel old
bonds and
issue perpetual
debenture
stock or new
bonds.

Proviso.

said; provided that the present bondholders of the said Company shall have given to or reserved for them as the consideration for the cancellation of their several holdings, an equivalent amount of such stock or bonds.

Bonds may be secured by mortgage.

5. If the Company elect to issue bonds under the last section, they may be made to run for any term of years which may be decided upon by the directors, and may be issued as of the 2nd day of January, 1886, and the issue may be secured by a mortgage to trustees of the aforesaid property of the Company, but in any event the statutory lien provided by section 4 shall continue, and provided that the execution of such mortgage shall not interfere with the right of the Company from time to time to lease the said railway, but if at any time the clear yearly rent proposed to be reserved by any lease shall be less than the amount of dividends or coupons on the issue of debenture stock or bonds, then such lease shall require to be confirmed by the said debenture holders, their assent being given by a vote of two-thirds in value of such holders, or by the said bondholders, their assent being given by a vote of two-thirds in value of such holders, or in case of a mortgage being executed to secure such bonds, then by a majority of the trustees of such mortgage.

Provision as to leasing railway.

47 V. c. 68, amended.

6. Wherever the words "debenture stock" occur in the said Act, passed in the 47th year of Her Majesty's reign, and chaptered 68, the said Act is hereby amended by adding after the said words the words "or bonds."

No. 7.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Hamilton and Dundas Street Railway Company.

First Reading, 1886.

(Private Bill.)

MR. AWREY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Hamilton and Dundas Street
Railway Company.

WHEREAS the Hamilton and Dundas Street Railway Company have petitioned for an Act to confirm a lease of their railway to one John Weatherstone, and to enable them to increase their issue of bonds, and for other changes in their corporate powers; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 10 **1.** Section 4 of the Act of the Legislature of the Province of Ontario, entitled *An Act Respecting the Hamilton and Dundas Street Railway Company*, passed in the 47th year of Her Majesty's reign, and chaptered 68, is hereby amended by adding after the word "corporation" in the fifth line, the words "or to any person, partnership or firm."

47 V. c. 68,
s. 4, amended.

2. The lease and agreement made by and between the said Company and John Weatherstone, dated the 21st day of November, 1885, is hereby declared to be legal and binding, and within the powers of the said Company.

Lease to J.
Weatherstone
confirmed.

- 20 **3.** Section 5 of the said Act is hereby repealed.

Sect. 5
repealed.

- 4.** The Company are hereby authorized to call in, cancel and revoke their present issue of bonds to the extent of \$50,000, authorized by section 3 of the Act passed in the 44th year of Her Majesty's reign, and chaptered 65, and the said Company are hereby authorized and empowered to make and issue perpetual debenture stock or new bonds for the sum of \$68,000, and bearing interest at the rate of six per centum per annum, which said debenture stock or bonds shall be taken and considered to be the first and preferential charge and claim upon the undertaking and real property of the said Company, including its rolling stock and equipments then existing, or at any time thereafter acquired, and its rents and income, subject always to the lien of any unpaid vendor in respect of any such property, and each holder of such debenture stock or bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof, upon the undertaking, property and income of the Company aforesaid: provided that the present bondholders of the said Company shall have given to or reserved for them as the consideration for the cancellation of their several holdings, an equivalent amount of the debenture stock or bonds by this Act authorized to be issued.

Power to
cancel old
bonds and
issue perpetual
debenture
stock or new
bonds.

Proviso.

Bonds may be secured by mortgage.

Provision as to leasing railway.

47 V. c. 68, amended.

Section 8 amended.

5. If the Company elect to issue bonds under the last section, they may be made to run for any term of years which may be decided upon by the directors, and may be issued as of the 2nd day of January, 1886, and the issue may be secured by a mortgage to *three* trustees of the aforesaid property of the Company, ~~and~~ containing such powers, provisoes and conditions as may be approved of by the directors of the Company, and by the holders of a majority in value of the existing bonds and by a majority of the holders of the existing preference stock, ~~and~~ but in any event the statutory lien provided by section 4 shall continue, and provided that the execution of such mortgage shall not interfere with the right of the Company from time to time to lease the said railway, but if at any time the clear yearly rent proposed to be reserved by any lease shall be less than the amount of dividends or coupons on the issue of debenture stock or bonds, then such lease shall require to be confirmed by the said holders of *debenture stock*, their assent being given by a vote of two-thirds in value of such holders, or by the said bondholders, their assent being given by a vote of two-thirds in value of such holders, or in case of a mortgage being executed to secure such bonds, then by a majority of the trustees of such mortgage, ~~and~~ two of whom shall be named by or on behalf of the bondholders. ~~and~~

6. Wherever the words "debenture stock" occur in the said Act, passed in the 47th year of Her Majesty's reign, and chaptered 68, the said Act is hereby amended by adding after the said words the words "or bonds."

7. Section 8 of the said Act, chapter 68, is hereby amended by striking out the words: "sixth section of this Act" where they occur in the seventh line of said section, and by inserting in lieu thereof the words: "by section 5 of this Act or by any amending Act."

No. 7.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Hamilton and Dundas Street Railway Company.

(Reprinted as amended by Railway Committee.)

First Reading, February 8th, 1886.

(Private Bill.)

Mr. AWREY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act Respecting the Town of Bowmanville.

WHEREAS the Corporation of the Town of Bowmanville Preamble.
have by their petition shown that under and by virtue
of the authority in them vested by virtue of an Act of the
Parliament of the late Province of Canada, passed in the 23rd
5 year of the reign of Her Majesty, Queen Victoria, and chap-
tered 90, consolidating the debt of the said Town; and of an
Act passed in the session of the said Parliament, held in the
27th and 28th years of the reign of Her Majesty, and chap-
tered 73, amending the former Act; and of an Act of the
10 Legislature of Ontario, passed in the 37th year of Her said
Majesty's reign, and chaptered 71, further amending the said
former Act, they issued debentures creating a debt to the
amount of \$71,600, of which debentures to the extent of
\$43,804 are still unpaid and outstanding, whereof debentures
15 to the extent of \$38,000 will mature and become payable as
follows, namely: \$30,000 during the year 1886, and the balance
of \$8,000 during the year 1887, and funds have not been pro-
vided by the said corporation for redeeming such outstanding
debentures as same become due and payable; and whereas the
20 said corporation of the Town of Bowmanville further shew
that the payment to be made of said debentures so falling due
and payable as aforesaid, would be oppressive to the ratepayers
of said town, and the said corporation have prayed that an Act
may be passed authorizing and empowering the said corpora-
25 tion to issue in the year 1886, debentures to the extent of
\$30,000, and in the year 1887 debentures to the extent of
\$8,000, and to borrow on said debentures so to be issued, such
an amount as will enable them to meet the said debentures so
maturing, and to become due as aforesaid, in the said years re-
30 spectively; and whereas it is expedient to grant the prayer of
the petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

- 35 1. The corporation of the Town of Bowmanville may from time to time, during the years 1886 and 1887, pass by-laws
authorizing the issue of new debentures of the said town, for
an amount not exceeding, in the year 1886, \$30,000; and in
the year 1887, \$8,000, for the purpose of retiring or renewing a
40 portion of the debentures now outstanding against the said
town, and falling due within the year in which such new
debentures may be issued as aforesaid, and such new debentures
to be issued as aforesaid under said by-laws may be in
such sums, and to such an extent or amounts in Canadian cur-
45 rency, and payable at such time or times as such corporation

Power to issue
debentures.

Proviso.

may deem best, with power to said corporation to issue debentures for the full sum of \$38,000, in the year 1886, should they see fit so to do : Provided always that such by-laws shall be in conformity and shall comply with the conditions and provisions of *The Consolidated Municipal Act, 1883*, and of the general municipal law, from time to time in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the town to the passing of any such by-laws as aforesaid, nor of the Lieutenant-Governor-in-Council, either under the said *The Consolidated Municipal Act, 1883*, or any other general Act now or hereafter to be in force in this Province ; And provided further, that, subject as aforesaid, the said new debentures so to be issued as aforesaid under said by-laws, and all money arising therefrom, shall to the full extent thereof be applied only to retire and redeem the said outstanding debentures so maturing and becoming due as aforesaid, in the years 1886 and 1887 respectively.

No. 8.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Town of Bowmanville.

First Reading,	1886.
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(Private Bill.)

MR. McLAUGHLIN.


TORONTO :


PRINTED BY WARWICK & SONS, 25 AND 28 FRONT ST., W.

An Act Respecting the Town of Bowmanville.



WHEREAS the Corporation of the Town of Bowmanville Preamble.
 have by their petition shewn that under and by virtue
 of the authority in them vested by virtue of an Act of the
 Parliament of the late Province of Canada, passed in the 23rd
 5 year of the reign of Her Majesty, Queen Victoria, and chap-
 tered 90, consolidating the debt of the said Town; and of an
 Act passed in the session of the said Parliament, held in the
 27th and 28th years of the reign of Her Majesty, and chap-
 tered 73, amending the former Act; and of an Act of the
 10 Legislature of Ontario, passed in the 37th year of Her said
 Majesty's reign, and chaptered 71, further amending the said
 former Act, they issued debentures creating a debt to the
 amount of \$71,600, of which \$46,804 are still unpaid and out-
 standing, of which \$38,000 will mature and become payable as
 15 follows, namely: \$30,000 during the year 1886, and the balance
 of \$8,000 during the year 1887, and funds have not been pro-
 vided by the said corporation for redeeming such outstanding
 debentures as same *shall* become due and payable; and whereas
 the said corporation of the Town of Bowmanville further shew
 20 that the payment to be made of said debentures so falling due
 and payable as aforesaid, would be oppressive to the ratepayers
 of said town, and the said corporation have prayed that an Act
 may be passed authorizing and empowering the said corpora-
 tion to issue in the year 1886, debentures to the extent of
 25 \$30,000, and in the year 1887 debentures to the extent of
 \$8,000, and to borrow on said debentures so to be issued such
 an amount as will enable them to meet the said debentures so
 maturing, and to become due as aforesaid, in the said years re-
 spectively; and whereas it is expedient to grant the prayer of
 30 the petition;

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—



-  1. The Corporation of the Town of Bowmanville may Power to
 35 from time to time during the years 1886 and 1887 pass a issue debentures for
 by-law or by-laws, authorizing the issue of new debentures of \$30,000.
 the said town, for an amount not exceeding in the year 1886
 \$30,000, and in the year 1887, \$8,000, for the purpose of
 retiring or renewing a portion of the debentures now out-
 40 standing against the said town, and falling due within
 the year in which such new debentures may be issued

as aforesaid, and such new debentures to be issued as aforesaid under said by-law or by-laws, may be made payable within this Province, in Great Britain, or elsewhere, as the said corporation may by by-law or by-laws direct or shall deem expedient, and payable either in sterling or Canadian currency, with power to said corporation to issue debentures for the full sum of \$38,000 in the year 1886, should they see fit so to do. 



Power to
make loan for
\$38,000.

 2. It shall and may be lawful to and for the said Corporation of the Town of Bowmanville to raise by way of loan upon the credit of the debentures hereinbefore mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same, a sum of money not exceeding \$38,000 of lawful money of Canada, and to impose in and by said by-law or by-laws a special rate per annum on the whole ratable property of the said municipality to be called the "Debenture Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient to pay the sums falling due annually for principal and interest. 


Issue of debentures for amount of loan.

 3. It shall and may be lawful for the Municipal Council of the said Corporation of the Town of Bowmanville, after the passing of such by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation under the Corporate Seal, signed by the Mayor, and countersigned by the Treasurer and Clerk of the said corporation, for the time being for such sums not exceeding in the whole the said sum of \$38,000, as the said Council shall direct and appoint, bearing interest at a rate not to exceed six per centum per annum, payable half-yearly or yearly, as the said Council shall appoint. 

Where debentures payable.

 4. The principal sum to be secured by the debentures to be issued under the preceding sections of this Act, shall be payable either in sterling or Canadian currency, and the same with interest accruing thereon may be made payable either in this Province, in Great Britain, or elsewhere, as the said Council may by the by-law or by-laws direct or shall deem expedient, and a portion of the said debentures issued under any such by-laws shall be made payable in each year for twenty-five years, from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures. 

Assent of electors not necessary to the passing of the by-law.

 5. It shall not be necessary to obtain the assent of the electors of the said Town of Bowmanville to the passing of any by-law or by-laws under this Act, nor of the Lieutenant-Governor in Council, either under *The Consolidated Municipal Act, 1883*, or any other general Act now or hereafter to be in force in this Province; and subject as aforesaid, the said new debentures to be issued as aforesaid under said by-law or by-laws, and all moneys arising therefrom shall, to the full

extent thereof, be applied only to retire and redeem the said outstanding debentures so maturing and becoming due as aforesaid in the years 1886 and 1887 respectively.

6, Sections 411, 412 and 413 of *The Consolidated Municipal Act, 1883*, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act.

46 V. c. 18, ss.
411, 412 and
413, applicable
to this Act.

BILL.

An Act respecting the Town of Bowmanville.

*(Reprinted as amended by Private Bills
Committee.)*

First Reading, 19th February, 1886.

(Private Bill.)

Mr. McLAUGHLIN.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to authorize Walter D. Coate to practise as a
Chemist.

WHEREAS Walter D. Coate of the Town of Rat Portage' Preamble.
in the Province of Ontario, hath by his petition set
forth, that in the year of our Lord 1878 he became apprenticed
to a duly qualified chemist and druggist, and thereafter served
5 an apprenticeship of three years, at the Town of Cobourg; and
whereas he subsequently in the year 1882 removed to the said
Town of Rat Portage, where he has since resided, and con-
tinuously carried on business as a chemist and druggist on his
own account; and whereas by reason of the dispute regarding
10 the western boundary of the Province of Ontario, it was for
some time doubtful whether the regulations of *The Pharmacy
Act* applied to persons residing at Rat Portage; and whereas
the said Walter D. Coate would now be compelled to pass the
examination prescribed by the Ontario College of Pharmacy
15 in order to authorize him to continue his business as chemist
and druggist; and whereas the said Walter D. Coate has
represented that in order to pass such examination he would
have to be absent from his business for some time, and would
thereby suffer material loss; and whereas it is expedient to
20 grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. It shall and may be lawful for the Ontario College of
25 Pharmacy to admit the said Walter D. Coate to practise as a
chemist and druggist in the Province of Ontario, without
passing the prescribed examination, upon his presenting the
necessary proofs of service as an assistant to a chemist and
druggist, and paying the requisite fees in that behalf, any law
30 or usage to the contrary notwithstanding.
- W. D. Coate
may be ad-
mitted as a
chemist under
certain con-
ditions.

No 9.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to authorize Walter D. Coate to
practise as a Chemist.

First Reading,	1886.
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(Private Bill.)

Mr. MULHOLLAND.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act Respecting the Port Rowan and Lake Shore
Railway Company.

WHEREAS The Port Rowan and Lake Shore Railway Company have petitioned that an Act may be passed to amend the Act of incorporation of the said railway company, passed in the 43rd year of Her Majesty's reign and chaptered 59, and the Act respecting the said railway company passed in the 44th year of Her Majesty's reign and chaptered 70, and the Act to amend and extend the said Act of incorporation, passed in the 45th year of Her Majesty's reign, and chaptered 59, and to assimilate the time provisions of the said Acts for the completion of the said railway, and to grant to the said company additional powers and privileges, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The time limited in the said Acts for the commencement and completion of the said railway is hereby extended to five years from the passing of this Act.

Time for commencement and completion extended.

2. The said company may alter the route of the said railway to be constructed by them under the said Acts, so that the same may run from a point at or near Nanticoke, in a westerly direction north of Port Dover, and thence to a point on Big Creek, in the Township of Walsingham, to connect with the Port Royal and Detroit River Railway.

Change of route authorized.

3. The capital stock of the said company shall be increased to \$300,000, with power to increase the same in the manner provided by *The Railway Act*, and the power to issue bonds shall be increased in the proportion of \$15,000 per mile.

Increase of stock and bonds.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Port Rowan and
Lake Shore Railway Company.

First Reading, 1886.

(Private Bill)

Mr. FREEMAN.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the Town of Parkhill.

WHEREAS the Village of Parkhill, in the County of Mid- Preamble.

Wdlesex, is rapidly increasing in population, and is likely to become an important business centre; and whereas the council and ratepayers have, by their petition, represented that the incorporation of the said village as a town would promote its future progress and prosperity and enable its inhabitants to make suitable regulations for the protection and improvement of property, and to carry out improvements they are desirous of making, and have prayed that a portion of the Township of West Williams should be included in the said town; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. On and after the twenty-seventh day of December, after the passing of this Act, the said Village of Parkhill shall be and is hereby constituted a corporation or body politic, under the name of the Corporation of the Town of Parkhill, and shall enjoy and have all the rights, powers and privileges, which could have been exercised and enjoyed by the said Town of Parkhill if the same had been incorporated as a town under *The Consolidated Municipal Act, 1883*, except where otherwise provided by this Act.

2. The said Town of Parkhill shall comprise and consist of the present Village of Parkhill and of lot four in the twentieth concession of the said Township of West Williams, and the residue of lot seven in the said twentieth concession, and lot seven in the the nineteenth concession of the said Township of West Williams, not covered by the present Village of Parkhill.

3. The said town shall be divided into three wards, to be called respectively the "north," "south" and "east" wards, which said several wards shall be respectively composed and bounded as follows: the North Ward shall be composed of that portion of the present incorporated Village of Parkhill lying to the north of the Grand Trunk Railway and west of Main or McGillivray Street, together with that part of lot seven in the said twentieth concession of the Township of West Williams, not included in the present limits of Parkhill; the South Ward shall be composed of all that portion of the present incorporated Village of Parkhill lying to the south of the Grand Trunk Railway and west of Main Street, together

with that part of lot seven in the nineteenth concession of the said Township of West Williams not included in the present limits of Parkhill; the East Ward shall be composed of all that portion of the present incorporated Village of Parkhill lying to the east of Main or McGillivray Street, together with lot number four in the twentieth concession of the said Township of West Williams. 5

Acts respecting municipal institutions to apply.

4. Except as otherwise provided by this Act, the provisions of *The Consolidated Municipal Act, 1883*, and of any Act amending the same, with regard to matters consequent upon the formation of new corporations, shall apply to the said Town of Parkhill in the same manner as they would have been applicable had the said Village of Parkhill been erected into a town under the provisions of the said Acts.

Nomination for first election.

5. On the last Monday in December next after the passing of this Act, it shall be lawful for Thomas Alexander Maybury, or the village clerk for the time being who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve and councillors at the Town Hall in the said Town of Parkhill, at the hour of noon, and he shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week, in the week next following the said nomination, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place. 20 25

Deputy Returning Officers.

6. The said returning officer shall, by his warrant, appoint a deputy returning officer for each of the wards into which the town is divided, and such returning officer and each of such deputy returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns. 30 40

Clerk of West Williams to furnish copy of assessment roll.

7. The clerk of the said Township of West Williams shall, upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the revised assessment roll for his said township for the year 1886, as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath. 45 50

Council.

8. The council of the said town, to be elected in manner aforesaid, shall consist of a mayor, who shall be the head

thereof, a reeve and six councillors, two councillors being elected for each ward; and they shall be organized as a council on the same day of the week next following the week of the polling; or if there be no polling on the same day of the week next following the week of the nomination, and subsequent elections shall be held in the same manner as in towns incorporated under the provisions of *The Consolidated Municipal Act, 1883*, and the said council and their successors in office shall have, use, exercise and enjoy, all the powers and privileges vested by the said municipal laws in town councils, and shall be subject to all the liabilities and duties imposed by the said municipal laws on such councils.

9. The several persons who shall be elected or appointed under this Act shall take declarations of office and qualification now required by the municipal laws of Ontario to be taken by persons elected or appointed to like offices in towns. Oaths of office and qualification.

10. At the first election of mayor, reeve and councillors for the said Town of Parkhill, the qualification of electors and that of officers required to qualify, shall be the same as that required in villages by the municipal laws of Ontario. Qualification at first election.

11. The expenses incurred to obtain this Act and of furnishing any documents, copies of papers, writings, deeds or any other matter required by the clerk or other officer of the said town, or otherwise, shall be borne by the said town and paid by it to any party that may be entitled thereto. Expenses of Act.

12. All by-laws and municipal regulations which are in force in the Village of Parkhill shall continue and be in force as if they had been passed by the corporation of the Town of Parkhill and shall extend to and have full effect within the limits of the town hereby incorporated. By-laws continued.

13. The property, assets, debts, liabilities and obligations of the Village of Parkhill shall belong to and be assumed and paid by the Corporation of the Town of Parkhill. Property and obligations.

14. All officers of the said Village of Parkhill shall continue to act and have power as such, and as officers of and within the Town of Parkhill, until the council of the said town shall have organized as and in the manner provided by section 8 of this Act. Officers of village continued.

No. 11.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to Incorporate the Town of
Parkhill.

First Reading,	1886.
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(Private Bill.)

Mr. WATERS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the Town of Parkhill.

WHEREAS the Village of Parkhill, in the County of Middlesex, is rapidly increasing in population, and is likely to become an important business centre; and whereas the council and ratepayers have, by their petition, represented that the incorporation of the said village as a town would promote its future progress and prosperity and enable its inhabitants to make suitable regulations for the protection and improvement of property, and to carry out improvements they are desirous of making, and have prayed that a portion of the Township of West Williams should be included in the said town; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. On and after the twenty-seventh day of December, after the passing of this Act, the said Village of Parkhill shall be and is hereby constituted a corporation or body politic, under the name of the Corporation of the Town of Parkhill, and shall enjoy and have all the rights, powers and privileges, which could have been exercised and enjoyed by the said Town of Parkhill if the same had been incorporated as a town under *The Consolidated Municipal Act, 1883*, except where otherwise provided by this Act.
2. The said Town of Parkhill shall comprise and consist of the present Village of Parkhill and of the south half of lot four in the twentieth concession of the said Township of West Williams, and the residue of lot seven in the said twentieth concession, and the residue of lot seven in the nineteenth concession of the said Township of West Williams, not covered by the present Village of Parkhill, ~~and~~ saving and excepting that portion of the south half thereof lying to the west of West Street, and park lots numbers 9, 10 and 11, part of the said south half lying east of West Street.
3. The said town shall be divided into three wards, to be called respectively the "north," "south" and "east" wards, which said several wards shall be respectively composed and bounded as follows: the North Ward shall be composed of that portion of the present incorporated Village of Parkhill lying to the north of the Grand Trunk Railway and west of Main or McGillivray Street, together with that part of lot seven in the said twentieth concession of the Township of West Williams, not included in the present limits of Parkhill; the

South Ward shall be composed of all that portion of the present incorporated Village of Parkhill lying to the south of the Grand Trunk Railway and west of Main Street, together with that part of lot seven in the nineteenth concession of the said Township of West Williams not included in the present limits of Parkhill, *but hereby comprised as a part of the Town of Parkhill*; the East Ward shall be composed of all that portion of the present incorporated Village of Parkhill lying to the east of Main or McGillivray Street, together with *the south half of* lot number four in the twentieth concession of the said Township of West Williams.

Acts respecting municipal institutions to apply.

4. Except as otherwise provided by this Act, the provisions of *The Consolidated Municipal Act, 1883*, and of any Act amending the same, with regard to matters consequent upon the formation of new corporations, shall apply to the said Town of Parkhill in the same manner as they would have been applicable had the said Village of Parkhill been erected into a town under the provisions of the said Acts.

Nomination for first election.

5. On the last Monday in December next after the passing of this Act, it shall be lawful for Thomas Alexander Mayburry, or the village clerk for the time being who is hereby appointed the returning officer, to hold the nomination for the first election of mayor, reeve and councillors at the Town Hall in the said Town of Parkhill, at the hour of noon, and he shall preside at the said nomination, or in case of his absence, the electors present shall choose from among themselves a chairman to preside at the said nomination, and such chairman shall have all the powers of a returning officer; and the polling for the said election, if necessary, shall be held on the same day of the week, in the week next following the said nomination, and the returning officer or chairman shall, at the close of the nomination, publicly announce the place in each ward at which the polling shall take place.

Deputy Returning Officers.

6. The said returning officer shall, by his warrant, appoint a deputy returning officer for each of the wards into which the town is divided, and such returning officer and each of such deputy returning officers shall, before holding the said election, take the oath or affirmation required by law, and shall respectively be subject to all the provisions of the municipal laws of Ontario applicable to returning officers at elections in towns, in so far as the same do not conflict with this Act; and the said returning officer shall have all the powers and perform all the duties devolving on town clerks with respect to municipal elections in towns.

Clerk of West Williams to furnish copy of assessment roll.

7. The clerk of the said Township of West Williams shall, upon demand made upon him by the said returning officer, or by the chairman hereinbefore mentioned, at once furnish such returning officer or chairman with a certified copy of so much of the revised assessment roll for his said township for the year 1886, as may be required to ascertain the names of the persons entitled to vote in each of the said wards at the said first election; and the said returning officer shall furnish each of the said deputies with a true copy of so much of the said roll as relates to the names of electors entitled to vote in each of the said wards respectively, and each such copy shall be verified on oath.

8. The council of the said town, to be elected in manner Council.
aforesaid, shall consist of a mayor, who shall be the head
thereof, a reeve and six councillors, two councillors being
elected for each ward; and they shall be organized as a council
5 on the same day of the week next following the week of the
polling; or if there be no polling on the same day of the week
next following the week of the nomination, and subsequent
elections shall be held in the same manner as in towns incor-
porated under the provisions of *The Consolidated Municipal*
10 *Act, 1883*, and the said council and their successors in office
shall have, use, exercise and enjoy, all the powers and privileges
vested by the said municipal laws in town councils, and shall
be subject to all the liabilities and duties imposed by the said
municipal laws on such councils.
- 15 9. The several persons who shall be elected or appointed under this Act shall take declarations of office and qualifica-
tion now required by the municipal laws of Ontario to be
taken by persons elected or appointed to like offices in towns. Oaths of office
and qualifica-
tion.
- 20 10. At the first election of mayor, reeve and councillors for the said Town of Parkhill, the qualification of electors and
that of officers required to qualify, shall be the same as that
required in villages by the municipal laws of Ontario. Qualification
at first
election.
- 25 11. The expenses incurred to obtain this Act and of fur-
nishing any documents, copies of papers, writings, deeds or any
other matter required by the clerk or other officer of the said
town, or otherwise, shall be borne by the said town and paid
by it to any party that may be entitled thereto. Expenses of
Act.
- 30 12. All by-laws and municipal regulations which are in
force in the Village of Parkhill shall continue and be in force
as if they had been passed by the corporation of the Town of
Parkhill and shall extend to and have full effect within the
limits of the town hereby incorporated. By-laws
continued.
- 35 13. The property, assets, debts, liabilities and obligations of
the Village of Parkhill shall belong to and be assumed and
paid by the Corporation of the Town of Parkhill. Property and
obligations.
- 40 14. All officers of the said Village of Parkhill shall con-
tinue to act and have power as such, and as officers of and
within the Town of Parkhill, until the council of the said town
shall have organized as and in the manner provided by section
8 of this Act. Officers of
village con-
tinued.

3rd Session, 5th Legislature, 49 Vic., 1886

BILL.

An Act to Incorporate the Town of
Parkhill.

*(Reprinted as amended by Private Bills
Committee.)*

First Reading, 11th February, 1886.

(Private Bill.)

MR. WATERS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Town of Peterborough.

WHEREAS the corporation of the Town of Peterborough Preamble.

has by petition prayed for an Act to authorize the said corporation to enter into contracts for a supply of water, gas or electric light, and for similar purposes, for a period of ten 5 years; and to confirm by-law 498 of said corporation, to provide for a supply of water within the Town of Peterborough for fire purposes, and for other public uses; and by-law No. 497, to provide for a new town hall and lock-up for the said Town of Peterborough; and to confirm the purchase by the 10 Little Lake Cemetery Company of land within the Town of Peterborough, as an addition to the present cemetery, and to close portions of Haggart and Ware Streets in said town, and it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent 15 of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Notwithstanding anything contained in the Act of the Parliament of Canada passed in the 24th year of Her Majesty's reign, chapter 61, it shall be lawful for the corporation of the 20 Town of Peterborough to enter into contracts for a supply of water, and the renting of hydrants, and for a supply of gas or electric light, and for similar purposes, for a period not exceeding in the first instance ten years, and for renewing any such contract from time to time, for such period not exceeding 25 ten years, as to the council of said corporation may seem expedient.

2. The by-law of said corporation numbered 498, intituled "A By-law to provide for a supply of water within the Town of Peterborough for fire purposes and other public uses," and 30 the contract made thereunder between the said corporation and the Peterborough Water Company, dated the 23rd day of November, 1885, are hereby confirmed and declared legal, valid and binding upon the said corporation and the said Water Company, for the full period mentioned therein, in the same 35 manner and to the same extent as if the same had been passed and entered into respectively after the passing of this Act.

3. The by-law of said corporation numbered 497, entitled "A By-law to provide for a new Town Hall and Lock-up for the Town of Peterborough," is hereby confirmed, and the said 40 by-law and the debentures issued or to be issued thereunder are hereby declared legal, valid and binding to all intents and purposes whatsoever, and such debentures shall be deemed to have been duly issued in accordance with the provisions of the said recited Act.

Cemetery
company em-
powered to
hold certain
land within
limits of
town.

4. The purchase by the Little Lake Cemetery Company of a parcel of land within the said town lying west of and adjoining the cemetery already existing is hereby confirmed, and it shall and may be lawful for said company to use such addition as a cemetery, notwithstanding the said land is within the present limits of the Town of Peterborough. 5

Closing of
parts of Hag-
gart and Ware
Streets autho-
rized.

5. Upon the said Cemetery Company opening and grading a new street parallel to Haggart Street, at the west of their property from Crescent Street, and continuing the same easterly to connect with the portion of Haggart Street, remaining inclosed, the portions of Haggart Street, otherwise known as the original Road Allowance between lots fifteen and sixteen in the twelfth concession of the Township of North Monaghan and of Ware Street, included within such extension of the cemetery, shall be closed and vested in the Little Lake Cemetery Company for the purpose of said cemetery. 15

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting the Town of
Peterborough.

First Reading,	1886.
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(Private Bill.)

Mr. CARNEGIE.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Town of Peterborough.

WHEREAS the corporation of the Town of Peterborough Preamble.
 has by petition prayed for an Act to authorize the said
 corporation to enter into contracts for a supply of water, gas
 or electric light, and for similar purposes, for a period of ten
 5 years; and to confirm by-law 498 of said corporation, to pro-
 vide for a supply of water within the Town of Peterborough
 for fire purposes, and for other public uses; and by-law No.
 497, to provide for a new town hall and lock-up for the said
 Town of Peterborough; and to confirm the purchase by the
 10 Little Lake Cemetery Company of land within the Town of
 Peterborough, as an addition to the present cemetery, and to
 close portions of Haggart and Ware Streets in said town, and
 it is expedient to grant the prayer of said petition;
 Therefore Her Majesty, by and with the advice and consent
 15 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

1. Notwithstanding anything contained in the Act of the Power to
 Parliament of Canada passed in the 24th year of Her Majesty's make con-
 reign, chapter 61, it shall be lawful for the corporation of the tracts for the
 20 Town of Peterborough to enter into contracts for a supply of supply of
 water, and the renting of hydrants, and for a supply of gas or water, gas or
 electric light, and for similar purposes, for a period not exceed- electric light.
 ing in the first instance ten years, and for renewing any
 such contract from time to time, for such period not exceeding
 25 ten years, as to the council of said corporation may seem
 expedient; ~~and~~ the by-law or by-laws granting such renewal
 having first received the approval of the ratepayers in the
 manner provided by section 294 and the following sections of
The Consolidated Municipal Act, 1883. ~~and~~

30 2. The by-law of said corporation numbered 498, intituled By-law 498,
 "A By-law to provide for a supply of water within the Town and contract
 of Peterborough for fire purposes and other public uses," and respecting the
 the contract made thereunder between the said corporation and supply of
 the Peterborough Water Company, dated the 23rd day of water to the
 35 November, 1885, are hereby confirmed and declared legal, town con-
 valid and binding upon the said corporation and the said Water firmed.
 Company, for the full period mentioned therein, in the same
 manner and to the same extent as if the same had been passed
 and entered into respectively after the passing of this Act.

40 3. The by-law of said corporation numbered 497, entitled By-law 497
 "A By-law to provide for a new Town Hall and Lock-up for the to provide for
 Town of Peterborough," is hereby confirmed, and the said a new town-
 by-law and the debentures issued or to be issued thereunder hall and lock-
 up confirmed.

are hereby declared legal, valid and binding to all intents and purposes whatsoever, and such debentures shall be deemed to have been duly issued in accordance with the provisions of the said recited Act.

Cemetery company empowered to hold certain land within limits of town.

4. The purchase by the Little Lake Cemetery Company of a parcel of land within the said town lying west of and adjoining the cemetery already existing is hereby confirmed, and it shall and may be lawful for said company to use such addition as a cemetery, notwithstanding the said land is within the present limits of the Town of Peterborough. 10

Closing of parts of Haggart and Ware Streets authorized.

5. Upon the said Cemetery Company opening and grading a new street sixty-six feet in width, the westerly and southerly boundary of which shall be as follows:—Commencing at a point on the south side of Crescent Street, at a distance of sixty-six feet west from the dividing line between lots numbers thirty-seven and thirty-eight on plan number thirty-one, for the said Town of Peterborough; thence south parallel to Haggart Street, otherwise known as the original road allowance between lots fifteen and sixteen in the twelfth concession of the Township of North Monaghan, to a point about equally distant from the north and south boundaries of lot number nineteen on said plan; thence curving to the east to connect with said Haggart Street at the south-east corner of lot number twenty-one on said plan; then so much of said Haggart Street as lies north of a line running east across said Haggart Street from the northerly point of intersection of said new street with Haggart Street, and also so much of Ware Street as lies between said new street and Haggart Street, shall be closed up and vested in the said Little Lake Cemetery Company for the purposes of said cemetery. 30

BILL.

An Act respecting the Town of Peterborough.

(Reprinted as amended by Private Bills Committee.)

First Reading, 28th February, 1886.

(Private Bill.)

Mr. CARNEGIE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 13.]

BILL.

[1886.]

An Act Respecting the Leamington and St. Clair Railway Company.

WHEREAS the Leamington and St. Clair Railway Company Preamble.
have petitioned that an Act may be passed to amend
the Act for the incorporation of the said Company, passed in
the 40th year of Her Majesty's reign, and chaptered 72, and
5 the several Acts amending the same, so as to further extend
the time for the completion of the Leamington and St. Clair
railway, for a period of four years from the time already fixed
for the completion thereof by the Act passed in the 45th year
of Her Majesty's reign, chaptered 51; and whereas it is expe-
10 dient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The time for the completion of the said railway shall be
15 and is hereby extended for the further period of four years Time for com-
pletion of rail-
way extended.
from the time now limited for the completion thereof, by the
Act passed in the 45th year of Her Majesty's reign, and chap-
tered 51.

No. 13.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting the Leanington and
St. Clair Railway Company.

First Reading,	1886.
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(Private Bill.)

MR. BALFOUR.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Village of Beeton.

WHEREAS the municipal council of the corporation of the Preamble.

County of Simcoe, did on the 18th day of June, in the year of our Lord 1884, pass a by-law intituled "A by-law separating the Village of Beeton, in the Township of Tecumseth, in the County of Simcoe, from the corporation of the Township of Tecumseth, and forming it into a separate corporation under the style and title of the Village of Beeton," which said by-law is numbered 379; and whereas the same has been acted on as to elections, municipal government, education, equalization of taxes, and otherwise in connection with said village; and whereas after the same had been so acted on, and on or about the 5th day of June, 1885, certain legal and technical objections were taken to the validity of said by-law by a motion to quash the same, which motion is still pending in the Court of Appeal for decision; and whereas it appears in the event of the same being quashed at this late stage, that great disturbance and inconvenience would be caused, not only to the municipal and educational affairs of the said Village of Beeton, but also to the Township of Tecumseth and the County of Simcoe generally, with regard to the rates, equalization thereof, and the franchise and otherwise; and whereas a decision on the said motion would not necessarily settle the question of the said by-law, and the status of the said village in any case; and whereas there are certain clerical differences between the description of the boundaries of the said village in said by-law number 379, and the by-law of the said corporation of the county of Simcoe, numbered 376, appointing the census enumerator, which differences, however, do not affect the number of inhabitants or the question of incorporation; and whereas certain ratepayers of the said Village of Beeton have petitioned, praying that the said by-law and all acts done thereunder be legalized, and that an Act may be passed to confirm and legalize the said by-law number 379 of the said County of Simcoe, and to confirm all and everything done thereunder, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said by-law number 379 of the municipal council of the County of Simcoe, above in part recited, is hereby confirmed and declared to be a legal and valid by-law to all intents and purposes, and all acts, matters or things done, or assumed to have been done under or by virtue, or in consequence of the said by-law are hereby declared to have been as validly

By-law 379
of County of
Simcoe con-
firmed.

and legally done as if the said by-law had been a valid and legal by-law when passed as now confirmed and to be binding upon the said corporation of the said Village of Beeton and the ratepayers thereof.

Costs of pending litigation not affected. 2. Nothing in this Act contained shall be held to affect the rights of the parties to said litigation as regards the costs thereof. 5

No. 14.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Village of Beeton

First Reading,	1886.
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(Private Bill.)

Mr. DRURY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Village of Beeton.

WHEREAS the municipal council of the corporation of the County of Simcoe, did on the 18th day of June, in the year of our Lord 1884, pass a by-law intituled "A by-law separating the Village of Beeton, in the Township of Tecumseth, in the County of Simcoe, from the corporation of the Township of Tecumseth, and forming it into a separate corporation under the style and title of the Village of Beeton," which said by-law is numbered 379; and whereas the same has been acted on as to elections, municipal government, education, equalization of taxes, and otherwise in connection with said village; and whereas after the same had been so acted on, and on or about the 5th day of June, 1885, certain legal and technical objections were taken to the validity of said by-law by a motion to quash the same, which motion is still pending in the Court of Appeal for decision; and whereas it appears in the event of the same being quashed at this late stage, that great disturbance and inconvenience would be caused, not only to the municipal and educational affairs of the said Village of Beeton, but also to the Township of Tecumseth and the County of Simcoe generally, with regard to the rates, equalization thereof, and the franchise and otherwise; and whereas a decision on the said motion would not necessarily settle the question of the said by-law, and the status of the said village in any case; and whereas there are certain clerical differences between the description of the boundaries of the said village in said by-law number 379, and the by-law of the said corporation of the county of Simcoe, numbered 376, appointing the census enumerator, which differences, however, do not affect the number of inhabitants or the question of incorporation; and whereas certain ratepayers of the said Village of Beeton have petitioned, praying that the said by-law and all acts done thereunder be legalized, and that an Act may be passed to confirm and legalize the said by-law number 379 of the said County of Simcoe, and to confirm all and everything done thereunder, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The said by-law number 379 of the municipal council of the County of Simcoe, above in part recited, is hereby confirmed and declared to be a legal and valid by-law to all intents and purposes, and all acts, matters or things done, or assumed to have been done under or by virtue, or in consequence of the said by-law are hereby declared to have been as validly
- By-law 379
of County of
Simcoe con-
firmed.

and legally done as if the said by-law had been a valid and legal by-law when passed as now confirmed and to be binding upon the said corporation of the said Village of Beeton and the ratepayers thereof.

Expenses of Act.

2. The expenses of obtaining this Act shall be borne by the said Village of Beeton, and paid to any party entitled thereto.

Costs of pending litigation not affected.

3. Nothing in this Act contained shall be held to affect the rights of the parties to the said litigation as regards the costs thereof.

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No. 14.

3rd Session, 5th Legislature, 49 Vic, 1886

BILL.

An Act respecting the Village of Beeton.

(Reprinted as amended by Private Bills Committee.)

First Reading, 9th February, 1886.

(Private Bill.)

Mr. DRURY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Separate Certain Municipalities from the Counties of Wellington and Grey, and to erect the same into the County of Palmerston.

WHEREAS the population of the Towns of Mount Forest, Harriston and Palmerston, and the Villages of Arthur and Clifford, and the Townships of West Luther, Arthur and Minto, in the County of Wellington, and the Townships of 5 Proton, Egremont and Normanby, in the County of Grey, is about thirty-one thousand seven hundred and sixty-five souls, and the assessed value of the property comprised therein is about \$12,033,860; and whereas many of the said municipalities are inconveniently distant from the county towns of the 10 counties of which they form a part, and the said counties are of an unwieldy size; and whereas the said municipalities are of such size and wealth, and their relative situation and trade relations are such as to render it fitting that they should, with the approval of the people, be formed into a new county; and 15 whereas divers petitions have been presented praying for the passing of this Act, and it is expedient to comply with the prayer of such petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The reeves and deputy reeves of the Towns of Mount Forest, Harriston and Palmerston, in the County of Wellington, the Villages of Arthur and Clifford, also in the said County of Wellington, and the Townships of West Luther, Arthur and 25 Minto, also in the said County of Wellington, and the Townships of Proton, Egremont and Normanby, in the County of Grey, shall form a provisional municipal council under the style and name of the "Provisional Council of the County of Palmerston," for the purposes of this Act.

30 2. It shall, upon the written request of any four of the reeves and deputy reeves of the said towns, villages and townships aforesaid, be the duty of the reeve of Mount Forest to call a meeting of the reeves and deputy reeves of the said towns, villages and townships at such place and hour within the Town 35 of Mount Forest as he shall appoint, and a notice of such meeting shall be inserted in at least one newspaper published within the said Counties of Wellington and Grey respectively, and a copy of such notice sent by mail or otherwise to each of such reeves and deputy reeves at least ten days before the day 40 appointed for such meeting, and the said provisional council shall, at the first meeting thereof, to be held under this Act, proceed to elect a provisional warden; after which, at the same

By-law as to erection of new County to be submitted to vote of electors.

meeting or some adjournment thereof, they shall proceed to pass a by-law for the purpose of taking a vote of the qualified municipal electors of the said towns, villages and townships aforesaid, on the question of the separation and erection into a new county by vote to be specially taken for that purpose, each qualified elector having one vote and voting "yea" or "nay" after at least ten days' notice shall have been given, in the manner to be provided by such by-law, of the time and places when and where the said vote is to be taken.

Ascertaining result of poll.

3. The Provisional Council shall meet on the requisition of the warden on some day after the day or days appointed for taking such vote, and proceed in open council to ascertain the number of votes recorded "yea" and "nay," and if the result shall show that a majority of the votes recorded are "nay" then after making a record of the same in the minutes of the said provisional council the said council shall adjourn *sine die*, and be called together again only on the written request of a majority of the reeves and deputy reeves of the said towns, villages and townships in manner aforesaid.

If majority in favour of separation the result to be recorded.

4. If the result shall show that a majority of the votes recorded are "yea" the said Provisional Council shall make a record thereof in their minutes, and in that event the county town of the new county shall be Mount Forest.

County buildings.

5. The said Provisional Council shall and may hereafter pass a by-law for providing means for purchasing and acquiring lands and erecting the necessary county buildings thereon at Mount Forest, but before its final passing, the by-law shall be submitted to the municipal electors of the said new county, and a vote shall be taken on the same in like manner as provided by section 294 and subsequent sections of *The Consolidated Municipal Act, 1883*, and after passing the by-law the said Provisional Council shall proceed to erect the necessary county buildings.

Proclamation by Lieutenant-Governor declaring erection of county.

6. After the necessary buildings shall have been erected as aforesaid, the Lieutenant-Governor in Council by proclamation, may declare the said towns, villages and townships separated from the said counties to which they now respectively belong, and declare them to be formed into a new county, under the name of the County of Palmerston for all judicial and municipal purposes, and also for registry purposes, unless proclamation in that behalf has previously issued under the provisions of this Act, but until the issue of such proclamation the said towns, villages and townships shall remain as at present, connected with the counties of which they respectively form a part, for all such purposes.

Powers of Provisional Council prior to proclamation.

7. The Provisional Council aforesaid shall, prior to such proclamation, have only the powers specially given to it by the preceding sections of this Act.

Powers of Provisional Council after proclamation.

8. After such proclamation, the Provisional Council shall and may have, and exercise, all the rights, powers, and privileges and duties, conferred on provisional municipal councils by law, and the provisions of any law in force in this Province in any wise affecting or relating to the proceedings consequent upon

the dissolution of the union of counties, shall apply so far as applicable, to the separation of the towns, villages and townships aforesaid, from the respective counties of which they have heretofore formed part, and the erection thereof into a new county.

9. After such proclamation, the law in force respecting municipal institutions of this Province shall, as far as applicable, and not inconsistent with this Act, apply to the County of Palmerston.

Law respecting municipal institutions to apply to county.

- 10 10. After such proclamation, the corporations of Mount Forest, Harriston, Palmerston, Arthur, Clifford, West Luther, Arthur and Minto, shall respectively pay to the County of Wellington, and the corporations of Proton, Egremont, and Normanby shall pay to the corporation of the County of Grey, such proportion of the then outstanding debt of the Counties of Wellington and Grey respectively, and in such manner as may be determined, under the said Act respecting municipal institutions of Ontario, and the respective corporations of the said towns, villages and townships, shall respectively receive from the county corporations from which they are respectively separated, a just proportion of the assets of said counties.

Apportionment of debts of municipalities.

11. In case a majority of the votes cast at the polling provided for in section 3 of this Act, are recorded in favour of the formation of such new county, the Lieutenant-Governor in Council may by an Order in Council cause to be issued a proclamation, and thereby set apart and establish a registry office for the said county so to be erected as aforesaid.

Establishment of registry office by proclamation.

No. 15.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to separate certain Municipalities from the Counties of Wellington and Grey, and to erect the same into the County of Palmerston.

First Reading,	1886.
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(Private Bill.)

Mr.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to incorporate the King Loop Line Railway Company.

WHEREAS the persons hereinafter named, and others, Preamble.
have petitioned for incorporation as a company to construct and operate a railway from some point on the line of the Northern Railway of Canada, at or between the Newmarket and Richmond Hill Stations, in the County of York; 5
thence to run in a north-westerly direction through the Township of King to the Village of Schomberg; thence still in a north-westerly direction, through the Townships of King and Tecumseth to a point in the line of the Hamilton and North-
Western Railway at or near the Village of Beeton, in the County of Simcoe; and whereas it is expedient to grant the prayer of the said petition; 10

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows: 15

1. Garrett Brown, Levi Dennis, John Perry, Joseph Hollingshead, James W. Wood, James F. Gray, Henry Isaacs, Arthur Armstrong, Charles Irwin, together with such other persons and corporations as shall hereafter become shareholders of the said company, shall be and are hereby constituted a body corporate and politic under the name of the "King Loop Line Railway Company." Incorporation. 20

2. The said company hereby incorporated, and their agents or servants, shall have full power and authority under this Act to lay out and construct and finish a double or single iron or steel railway from some point on the line of the Northern Railway of Canada, at or between the Newmarket and Richmond Hill Stations, in the County of York; thence to run in a north-westerly direction through the Township of King to the Village of Schomberg; thence still in a north-westerly direction, through the Townships of King and Tecumseth to a point on the line of the Hamilton and North-Western Railway at or near the Village of Beeton, in the County of Simcoe. Location of line. 25

3. The gauge of the said railway shall be four feet eight and one half inches. Gauge. 30

4. The persons named in section 1 of this Act, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act. Provisional Directors. 40

**Powers of
Provisional
Directors.**

5. The said board of provisional directors shall have full power forthwith to open stock books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada, having an office in the Province of Ontario, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the Village of Schomberg, in the Township of King aforesaid, or at such other place as may best suit the interest of the said company.

Form of conveyances.

6. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

**Subscriptions
for stock to be
subject to
approval of
directors, etc.**

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to company.

8. The said company may receive, either from any Government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, bonuses, loans or gifts of money or securities for money, in aid of the construction, equipment or maintenance of the said railway.

9. The capital of the company hereby incorporated shall be \$200,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into four thousand shares of \$50 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

10. When and as soon as shares to the amount of \$20,000 in the capital stock of the said company shall have been subscribed, and ten per centum paid thereon, into a chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the company, and which shall, on no account, be withdrawn therefrom unless for the services of the company, the provisional directors or a majority of them, present at a meeting duly called for the purpose, shall call a general meeting of the shareholders, for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the town of Newmarket in the said County of York, of the time, place and purpose of said meeting.

11. At such general meeting the shareholders present who shall have paid up ten per centum on their shares with such proxies as may be present, shall elect not less than five, and not more than seven persons as hereinafter mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

12. No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

13. The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section ten.

Certain payments may be made in stock or bonds.

14. The provisional directors or the elected directors may pay, or agree to pay in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant, or rolling stock, and also when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company. 5 10

Annual meeting.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the said Village of Schomberg or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the said town of Newmarket during the four weeks preceding the week in which such meeting is to be held. 15 20

Special meetings.

16. Special general meetings of the shareholders of said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section. 25

Aid from municipalities.

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation under and subject to the provisions hereinafter contained; provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways. 30 35

Provisions as to bonus by-laws.

18. Such by-law shall be submitted by the municipal council to the vote of the rate-payers in manner following, namely: 40

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters; 45

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1883*; 50

(3) In the case of other municipalities, the petition shall be that of a majority of the council thereof, or of fifty resident

freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1883*, as aforesaid;

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

19. Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the municipality or portion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures or the application of the amount to be raised thereby as may be expressed in the said by-law; (2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be), an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof are hereby authorized to execute and issue in such cases respectively.
20. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law upon the ground that certain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the registrar of the county or of the riding in which the registry office is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law, by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators the expense of the reference shall be borne by the petitioners against the same; but if amended, then by the railway company or the county as the arbitrators may order.

By-law, what to contain.

Provisions as to referring to arbitration disputes as to bonus by-laws.

21. The term minor municipality shall be construed to mean any town not separated from the municipal county, township or incorporated village situate in the county municipality. "Minor municipality," meaning of.
22. Before any such by-law is submitted, the railway company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law. Deposit for expenses.

If by-law
carried coun-
cil to pass the
same.

23. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

5

And issue
debentures.

24. Within one month after the passing of such by-law, the said council, and the mayor, warden, reeve, or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed, to the trustees appointed or to be appointed under this Act.

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Rate to be
levied on
portion of
municipality
granting
bonus.

25. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

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Municipal
Act to apply
to any by-law
passed by
portion of a
township
municipality.

26. The provisions of *The Consolidated Municipal Act, 1883*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

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Extension of
time for com-
mencement.

27. The councils for all corporations that may grant aid by way of bonus to the said company, may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

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Extension of
time for com-
pletion.

28. The council of any municipality, that may grant aid by way of bonus to the said company, may by resolution or by-law, extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus), from time to time; provided that no such extension shall be for a longer period than one year at a time.

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Rate not
exceeding
three cents in
the dollar
valid.

29. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

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Exemption
from municip-
al taxation.

30. The corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, is empowered by by-law specially passed for that purpose, to exempt the said company and its property within such municipality, either in whole or in part from municipal assessment or taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and

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for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed, unless in conformity with a condition contained therein.

5 **31.** Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with
 10 the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any Government, or any person or body, politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of land.

15 **32.** Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same
 20 at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or any part thereof, from time to
 25 time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring lands for stations, gravel pits, etc.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the
 30 owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the
 35 award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to
 40 convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company, either for the right to the fee simple in the land from which said materials shall be
 45 taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc., for construction and maintenance of railway.

34.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance
 50 from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except
 55 such as relate to filing plans and publication of notice, shall

Sidings to gravel pits.

apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so required for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. 5

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply. 10

Trustees of
debentures.

35. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case, the company shall be at liberty to name such other trustee or other trustees; any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council; and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. 20 25 30

Trusts of
proceeds of
debentures.

36. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The King Loop Line Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of \$500, recoverable in any Court of competent jurisdiction by any person who may sue therefor. 35 40 45 50 55

Fees to
trustees.

37. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the Act of any two of 55

such trustees shall be as valid and binding as if the three had agreed.

38. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special
 5 general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the President of the said company, and countersigned by the Secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential
 10 claims and charges upon the undertaking and the real property of the company, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds should not exceed in all the sum of \$10,000 per mile;
 20 and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders; provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the Secretary of the company to register the same on being required to do so by any holder thereof.

Issue of bonds.

Proviso.

Proviso.

Proviso.

39. All such bonds, debentures and other securities and coupons and interest warrants thereon respectively may be made payable to bearer and transferable by delivery, and any holder of any such so made payable to bearer, may sue at law thereon in his own name.

Form of bonds.

40. The said company shall have power and authority to become parties to promissory notes, and bills of exchange for sums of not less than \$100, and any such promissory note or bill of exchange made, accepted or endorsed by the President or Vice-President of the company and countersigned by
 40 the Secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn, and in no case shall it
 45 be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the President, Vice-President or the Secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority
 50 of the directors as herein provided and enacted; Provided, however, that nothing in this section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

Bills and notes.

Proviso.

Power to
mortgage
bonds.

41. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act to issue for the construction of the said railway.

Agreements
for use of rolling
stock, etc.

42. It shall be lawful for the directors of the company to 5 enter into agreement with any company or companies (if lawfully authorized to enter into such an agreement), person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such 10 terms as may be agreed on, and also to enter into agreement with any railway company or companies (if so lawfully authorized), for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to 15 compensation and otherwise as may be agreed upon.

Arrangements
with Northern
Railway Com-
pany, author-
ized.

43. The company incorporated by this Act is authorized and empowered to make necessary arrangements to contract and agree with the Northern Railway Company of Canada and the Hamilton and North-Western Railway Company, if law- 20 fully authorized to enter into such arrangements, for amalgamation with the said Northern Railway Company of Canada and the Hamilton and North-Western Railway Company or either of them, or for the leasing their said lines or any part or parts thereof to the said company, and may also make traffic 25 or running arrangements with the said companies; Provided, that the terms of such amalgamation or lease are approved of by two-thirds of the shareholders present in person, or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act; but this section 30 shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the Legislative authority of this Province.

Telephone and
telegraph
lines.

44. The said company may also construct a telephone line and an electric telegraph line in connection with their railway, 35 and for the purpose of constructing, working and protecting the said telephone and telegraph lines, the powers conferred upon telegraph companies by *The Act respecting Electric Telegraph Companies* (chapter 151 of *The Revised Statutes of Ontario*), are hereby conferred upon the said company. 40

Rights of
aliens.

45. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible 45 to office as directors in the said company.

Transfer of
shares.

46. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are sur- 50 rendered to the company, or the surrender thereof dispensed with by the company.

47. The company shall have full power to purchase land for and erect warehouses, elevators, docks, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose; and the company shall have power to hold as part of the property of the said company, as many steam or other vessels as the directors of the company may deem requisite from time to time, to facilitate the carriage of passengers, freight and other traffic in connection with the railway.

Power to erect warehouses.

48. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities, as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Collection of back charges.

49. The said railway shall be commenced within four years and completed within eight years from the passing of this Act.

Commencement and completion of railway.

20

SCHEDULE A.

(See Section 6.)

Know all men by these presents, that I (or we [*insert the name of the vendors*], in consideration of dollars paid to me (or us) by the King Loop Line Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) , in consideration of dollars paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said King Loop Line Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (or we), the wife (or wives) of the said , do hereby bar my (or our) dower in the said lands.

As witness, my (or our) hand and seal (or hands and seals), this day of , A.D. 18 .

Signed, sealed and delivered
in the presence of

}

[L.S.]

SCHEDULE B.

(Section 36.)

CHIEF ENGINEER'S CERTIFICATE.

THE KING LOOP LINE RAILWAY COMPANY'S OFFICE—
ENGINEER'S DEPARTMENT.

No.

A.D. 18

Certificate to be attached to cheques drawn on the King Loop Line Railway Company Municipal Trust Account, given under section , chapter of the Acts of the Legislature of Ontario, passed in the 49th year of Her Majesty's reign.

I, A. B., Chief Engineer of the King Loop Line Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of , between the corporation of and the said company), to entitle the said company to receive from the said trust the sum of [here set out the terms and conditions, if any, which have been fulfilled].

No. 16.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to incorporate the King Loop Line
Railway Company.

First Reading,

1886.

(Private Bill.)

Mr. WIDFIELD.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to separate certain Municipalities from the Counties of Perth, Huron, and Wellington, and to erect the same into the County of Maitland.

WHEREAS the population of the town of Listowel, in the County of Perth, and the townships of Wallace, Elma, and Mornington in the County of Perth, and the village of Milverton, also in the County of Perth, the town of Palmerston in the County of Wellington, and the township of Maryborough, also in the County of Wellington, the townships of Grey and Howick, in the County of Huron, and the villages of Brussels and Wroxeter, also in the County of Huron, is about thirty-two thousand five hundred souls, and the assessed value of the property comprised therein is upwards of \$5,000,000; and whereas many of the said municipalities are inconveniently distant from the county towns of the counties of which they form a part, and the said counties are of an unwieldy size; and whereas the said municipalities are of such size and wealth, and their relative situation and trade relations are such as to render it fitting that they should (with the approval of the people) be formed into a new county; and whereas divers petitions have been presented praying for the passing of this Act, and it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The reeves and deputy-reeves of the town of Listowel, in the County of Perth, and the townships of Wallace, Elma and Mornington, also in the County of Perth, and the village of Milverton, also in the County of Perth, and the town of Palmerston, in the County of Wellington, the township of Maryborough, in the said County of Wellington, the townships of Grey and Howick, in the County of Huron, and the villages of Brussels and Wroxeter, also in the County of Huron, shall form a provisional municipal council under the style and name of the "Provisional Council of the County of Maitland," for the purposes of this Act.

The provisional Council.

2. It shall, upon the written request of any four of the reeves and deputy-reeves of the said municipalities, be the duty of the Reeve of Listowel to call a meeting of the said reeves and deputy-reeves of the said towns, townships, and villages aforesaid, at such place and at such hour within the said town of Listowel as he shall appoint, and a notice of such meeting shall be inserted in at least one newspaper published within each of the said counties of Perth, Wellington and Huron

First meeting of reeves.

- respectively, and a copy of such notice sent by mail or otherwise to each of such reeves and deputy-reeves at least ten days before the day appointed for such meeting; and the said provisional council shall, at the first meeting thereof, to be held under this Act, proceed to elect a provisional warden; after which, at the same meeting, or some adjournment thereof, they shall proceed to pass a by-law for the purpose of taking a vote of the qualified municipal electors of the said towns of Listowel and Palmerston, and of the townships and villages aforesaid, on the question of the separation and erection into a new county by vote to be specially taken for that purpose, each qualified elector having one vote, and voting "yea" or "nay," after at least ten days' notice shall have been given in the manner to be provided by such by-law, of the time and places, when and where the said vote is to be taken.
- Election of warden.** 5
- Vote for question of separation and erection of new county.** 15
- Ascertaining the result of the poll.** 20
- If the result be "yea."** 25
- County Town.** 30
- County buildings.** 35
- Proclamation of Lieutenant-Governor of new county.** 40
- Powers of provisional council prior to proclamation.** 45
- 3.** The provisional council shall meet on the requisition of the warden on some day after the day or days appointed for taking such vote, and shall proceed in open council to ascertain the number of votes recorded "yea" and "nay," and if the result shall show that a majority of the votes recorded are "nay," then after making a record of the same in the minutes of the said provisional council, the said council shall adjourn *sine die*, and be called together again only on the written request of a majority of the reeves and deputy-reeves of the said towns, townships, and villages in manner as aforesaid.
- 4.** If the result shall show that a majority of the votes recorded are "yea," the said provisional council shall make a record thereof in their minutes, and in that event the county town of the new county shall be Listowel.
- 5.** The said provisional council shall and may hereafter pass a by-law for providing means for purchasing and acquiring lands and erecting the necessary county buildings thereon at Listowel, but before its final passing such by-law shall be submitted to the municipal electors of the said new county, and a vote shall be taken on the same in like manner as provided by *The Consolidated Municipal Act, 1883*, and any amendment affecting the same, and after passing such by-law the said provisional council shall proceed to erect the necessary county buildings.
- 6.** After the necessary buildings have been erected as aforesaid, it shall be lawful for the Lieutenant-Governor in Council, by proclamation to declare the said towns, townships, and villages separated from the said counties to which they now belong respectively, and declare them to be formed into a new county under the name of the County of Maitland for all judicial and municipal purposes, and also for registry purposes, unless proclamation in that behalf has previously issued under the provisions of this Act, but until the issue of such proclamation the said towns and townships shall remain, as at present, connected with the counties of which they respectively form a part for all such purposes.
- 7.** The provisional council aforesaid shall, prior to such proclamation, have only the powers specially given to it by the preceding sections of this Act.

8. After such proclamation the provisional council shall and may have and exercise all the rights, powers, privileges, and duties conferred on municipal councils by law; and the provisions of any law in force in this province in any wise affecting or relating to the proceedings consequent upon the dissolution shall apply so far as applicable to the separation of the towns, townships, and villages aforesaid from the respective counties of which they have heretofore formed part, and the erection thereof into a new county.

10 9. After such proclamation the law in force respecting municipal institutions of this province shall, as far as applicable and not inconsistent with this Act, apply to the County of Maitland.

10 10. After such proclamation the corporations of Listowel, Wallace, Elma, Mornington, and Milverton shall respectively pay to the corporation of the County of Perth, and the corporations of Palmerston and Maryborough shall respectively pay to the corporation of the County of Wellington, and the corporations of Grey, Howick, Brussels, and Wroxeter shall respectively pay to the corporation of the County of Huron such proportion of the then outstanding debt of the counties of Perth, Wellington, and Huron respectively, and in such manner as may be determined under the said Act respecting municipal Institutions of Ontario; and the respective corporations of the said towns, townships, and villages shall respectively receive from the county corporations from which they are respectively separated, a just proportion of the assets of said counties.

11. In case a majority of the votes cast at the polling provided for in section 3 of this Act are recorded in favour of the formation of such new county, the Lieutenant-Governor in Council may by order in council cause to be issued a proclamation, and thereby set apart and establish a registry office for the said county so to be erected as aforesaid.

No. 17.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to separate certain municipalities
from the Counties of Perth, Huron, and
Wellington, and to erect the same into
the County of Maitland.

First Reading.

1886.

(Private Bill.)

Mr. FREEMAN.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act Respecting the St. Catharines and Niagara
Central Railway Company.

WHEREAS the St. Catharines and Niagara Central Rail- Preamble.
way Company have petitioned for certain amendments
to their Act of Incorporation, passed in the 44th year of Her
Majesty's reign, and chaptered 73, and the several Acts amend-
ing the said Act, and it is expedient to grant the prayer of the
said petition :

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

10 1. Section 23 of the Act passed in the 44th year of Her 44 V. c. 73, s.
Majesty's reign, chapter 73, is amended by adding the words, 23, amended.

“or through any part of which, or near which, the railway or
works of the said company shall pass or be situate,” after the
word “company” in the second line of the said section; and
15 by adding the words: “gift, loan, or by guarantee of the mun-
icipal corporation” after the word, “bonus” in the third line of
the said section.

2. Section 24 of the said Act, is amended by adding thereto Section 24 is
the following sub-section : amended.

20 (3) In the case of guarantee, the by-law shall provide for
the due application of the amount to be raised for the pur-
pose thereof, and for assessing, and levying upon all ratable
property lying within the municipality, minor municipality,
or portion of the township municipality defined by the said
25 by-law (as the case may be), an annual special rate sufficient
to pay from time to time the sum guaranteed, and to include a
sinking fund in the case of the principal of the debentures of
the company being guaranteed for a period not exceeding
thirty years, which guarantee, the respective municipal coun-
30 cils, wardens, mayors, reeves, or other officers, are hereby
authorized to execute.

3. Section 26 of the said Act, is hereby amended by the Section 26
substitution of the words: “council of the municipality, for amended.
the words, “municipal council” in the said section, and by
35 adding at the end of the said section the words: “notwith-
standing any words contained in any notice to the said by-law
attached under the provisions of *The Consolidated Municipal
Act, 1883.*”

4. Section 29 of the said Act, is hereby amended by striking Section 29
40 out the words: “a bonus” in the second line thereof, and in- amended.
serting the words: “aid, by way of bonus, gift, or loan, or by

guarantee of the municipal corporation" in lieu thereof, and adding after the word "bonus" in the last line of said section, the words: "gift, loan, or guarantee, as the case may be."

5. Section 30 of the said Act, is hereby amended by adding Section 30 5 after the word "bonus" in the second line thereof, the words: amended. "gift, loan, or by guarantee of the municipal corporation."

6. All by-laws submitted to the vote of the duly qualified electors, and approved of; and carried, and passed in accordance with the provisions of the law in that behalf, for granting aid by way of bonus, gift, loan, or guarantee, to the company, by any municipality, or portion of a municipality, interested in the construction of the road, not requiring the levying of a greater annual rate for all purposes (exclusive of school rates) than three cents on the dollar of the ratable property affected thereby, shall be valid and binding, although the amount of the annual rate to be levied in pursuance thereof, shall exceed two cents in the dollar. Bonus by-laws not requiring a rate exceeding three cents in the dollar to be valid.

7. The times limited by the several Acts respecting the St. Catharines and Niagara Central Railway Company, for commencing the main line or branches authorized by the said Acts or any of them, are hereby extended for the period of three years from the passing of this Act, and the times for completing the said main line and branches are hereby extended for six years from the passing of this Act. Extension of time for commencement and completion.

No. 18.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the St. Catharines and
Niagara Central Railway Company.

First Reading, 1886.

(Private Bill.)

MR. NEELON.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act Respecting the St. Catharines and Niagara
Central Railway Company.


WHEREAS the St. Catharines and Niagara Central Rail- Preamble.
way Company have petitioned for certain amendments
to their Act of Incorporation, passed in the 44th year of Her
Majesty's reign, and chaptered 73, and the several Acts amend-
5 ing the said Act, and it is expedient to grant the prayer of the
said petition :

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

10 **1.** Section 24 of the said Act, is amended by adding thereto
the following sub-section :

(3) In the case of guarantee, the by-law shall provide for 44 V. c. 73, s.
24, amended.
the due application of the amount to be raised for the pur-
pose thereof, and for assessing, and levying upon all ratable
15 property lying within the municipality, minor municipality,
or portion of the township municipality defined by the said
by-law (as the case may be), an annual special rate sufficient
to pay from time to time the sum guaranteed, and to include a
sinking fund in the case of the principal of the debentures of
20 the company being guaranteed for a period not exceeding
twenty years, which guarantee, the respective municipal coun-
cils, wardens, mayors, reeves, or other officers, are hereby
authorized to execute.

2. Section 26 of the said Act, is hereby amended by the Section 26
amended.
25 substitution of the words: "council of the municipality, for
the words, "municipal council" in the said section, and by
adding at the end of the said section the words: "notwith-
standing any words contained in any notice to the said by-law
attached under the provisions of *The Consolidated Municipal*
30 *Act, 1883.*"

3. All coupons for interest on the debentures issued by the Cancellation
of coupons on
St. Catharine's
debentures.
City of St. Catharines in aid of the company under By-law
No. 354, which shall have matured before the company become
entitled to the same or the proceeds thereof, shall be cut off
35 by the trustees who hold the same and delivered to the
Treasurer of the said city to be cancelled. 

4. In the event of the said company applying to the said Conditions of
further aid.
city for further aid either under a petition now pending or
otherwise, the council of the said corporation shall have power,
40 notwithstanding anything in any Act contained, to stipulate
that any such further aid to the extent of \$40,000 shall be paid

to the company only on completing its line from the Niagara River to Geneva Street in the said city, and that the remainder thereof, if aid exceeding \$40,000 shall be granted, shall be paid to the company at the rate of \$5,000 for each completed mile as the work progresses from or beyond the westerly limit of the said city.

Rights not affected.

5. This Act shall not affect the rights of the City of St. Catharines as regards the terms of the said by-law and the agreement of the company bearing date the 17th day of December, 1883.

10

Extension of time for commencement and completion.

6. The times limited by the several Acts respecting the St. Catharines and Niagara Central Railway Company, for commencing the main line or branches authorized by the said Acts or any of them, are hereby extended for the period of three years from the passing of this Act, and the times for completing the said main line and branches are hereby extended for six years from the passing of this Act.

No. 18.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting the St. Catharines and Niagara Central Railway Company.

(Reprinted as amended by Railway Committee.)

First Reading, 22nd February, 1886.

(Private Bill)

Mr. NEELON.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the Pacific and Atlantic
Railway Company.

WHEREAS the construction of a railway on the line herein Preamble.
after set forth, would open up and develop large sections
of the Province now difficult of access, and would supply an im-
portant and independent link connecting the railway systems at
5 its eastern terminus with those at its western, and would con-
duce to the general advantage of the Province of Ontario; and
whereas the persons hereinafter mentioned have, by petition,
prayed that they may be incorporated for the purpose of con-
structing and operating such railway; and whereas it is ex-
10 pedit to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. D. C. Linsley, Wm. A. Allan, Wm. Macdougall, S. J. Ritchie, I. Conmee, C. L. Snow, C. A. Craig, F. W. Marsh, R. A. Lyon, Jacob William Dill, Angus Sinclair, William Turner, John Robinson, James B. Dobie, David Jackson, together
15 with all such persons and corporations as shall become
shareholders in the Company hereby incorporated, shall be
20 and are hereby constituted a body corporate and politic by
the name of the "Pacific and Atlantic Railway Company"
(hereinafter called the Company) and shall have all the powers
and privileges conferred on such corporations by the several
clauses of *The Railway Act of Ontario* and its amendments,
25 which shall be deemed to be parts of this Act, except so far
as they may be in consistent with the enactments hereof.

2. The said Company, their agents and servants, shall have
full power and authority to survey, lay out, construct, complete,
30 lease, purchase and operate a single or double line of railway,
of four feet eight and one-half inches gauge, from a point on
the eastern boundary of the Province of Ontario, in the County
of Glengarry, thence westerly by the most direct and available
engineering route *via* Ottawa, the valleys of the Madawaska,
Maganetawan River, and Spanish Rivers, to the waters of Lake
35 Superior, and connecting with any railway bridge which may
be built across the St. Mary's River at or near the Sault Ste.
Marie in the District of Algoma; also branch lines from such
points on the above line as the said Company may deem
most practicable, to and through the Island of Manitoulin, and
40 to a connection *via* the Village of Parry Sound with the Mid-
land Railway system in the County of Simcoe, or at its option,
via the Village of Haliburton in the County of Haliburton or
both of said branches, with full power to pass over any portion

of the country between the points aforesaid, and to carry their railway through crown lands, if any, lying between the said points.

Steamboats.

3. The Company shall have power to construct, purchase, sell, charter, own and use. scows, boats and steam or other vessels on the lakes, rivers and canals of this Province in connection with their railway. 5

Purchase of lands near navigable rivers and erection of warehouses, etc.

4. The Company shall have power to purchase, lease or acquire, at any point where their railway or any branch thereat touches, or approaches within two miles of any navigable waters, sufficient land for the uses of the company, their railway and vessels, run or navigated in connection with said railway, and the Company may erect warehouses, elevators, docks, wharves, stations, workshops, and such other buildings as may be necessary for the purposes of the Company, and may sell and convey such land as may be found superfluous for any such purposes; and shall also have full power to connect any of the works herein mentioned with any point on the railway, or its branches, by means of any line or lines of railway for such purposes. 10 15 20

Amalgamation with other companies.

5. The Company is also authorized and empowered to amalgamate with the Grand Trunk Railway Company, the Ontario Pacific Railway Company, the Ontario and Sault Ste. Marie Railway Company, and the Canada Atlantic Railway Company, or any, or either of them; and for that purpose may execute with such companies, or either of them, a deed of amalgamation providing for the amalgamation of the Company hereby incorporated with such companies, or either of them; and, upon the execution of such deed of amalgamation and deposit with the Provincial Secretary, and publication of a notice thereof in the *Ontario Gazette*, the franchises, privileges, assets, rights, property, liabilities and obligations, shall vest in, and become those of the amalgamated company by the name of any, or either of the said companies, as may be agreed in the deed of amalgamation; the whole, upon such terms and conditions as shall be contained in said deed, not contrary to law or beyond the legislative authority of this Province to confer, and all the powers conferred by this Act, shall vest in the amalgamated company: provided that the terms of such amalgamation shall be approved of by two-thirds of the shareholders voting either in person, or by proxy, at any regular, annual, or special general meeting called for that purpose. 25 30 35 40

Agreements with other companies.

6. The Company shall have power to enter into, and conclude any agreement with any other railway company, foreign, or Canadian, whose line is situate on the line hereby authorized, or whose line can, or may be connected therewith, to lease the railway herein authorized, or any part thereof; or to lease or acquire, running powers over the lines of such other railway companies, or any part or parts thereof, or for leasing or hiring, any locomotives, tenders, plant, rolling stock, or other property, or touching any service to be rendered by the one company to the other, and the compensation therefor: provided that the agreements shall be approved of by two-thirds of the shareholders voting either in person, or by proxy, at any regular, annual, or special general meeting, called for that purpose. 45 50 55

7. For the purposes of constructing, working and protecting the telegraph lines to be constructed by the Company on their line of railway, the powers conferred upon telegraph companies by *The Act Respecting Electric Telegraph Companies*, are hereby conferred upon the Company, and the other provisions of the said Act for the working and protection of telegraph lines, shall apply to any such telegraph lines constructed by the Company. Telegraph lines.

8. The Company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided always that any such snow fences so erected shall be removed on or before the first day of April following. Snow fences.

9. The company shall have power to issue capital, (or Common) stock not to exceed \$15,000 per mile for each and every mile of main line or branches hereby authorized, in shares of \$100 each. Capital.

10. D. C. Linsley, Wm. A. Allan, Wm. Macdougall, J. C. Bailey, I. Connee, R. A. Lyon, C. L. Snow, (of whom a majority shall constitute a quorum) are hereby constituted a board of provisional directors of the Company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders, and shall have power to fill the place or places of any of their number which may become vacant, and to open stock books and procure subscriptions for the undertaking to make calls upon the subscribers, to cause surveys and plans to be executed and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; and such provisional directors may appoint a committee from their number to open such stock books, giving at least four weeks' notice in the *Ontario Gazette*, and in one paper published in the City of Ottawa, of the time and place of meeting, to open such books and to receive such subscriptions, and the said committee, or a majority of them, may in their discretion exclude any person from subscribing. Provisional directors,
their powers.

11. When and so soon as shares to the amount of \$150,000 in the capital stock of the company shall have been subscribed and ten per cent. shall have been paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario (which shall on no account be withdrawn therefrom unless for the service of the company) the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in a paper published in the City of Ottawa, and in the *Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting First election
of directors.

have paid ten per centum on the stock subscribed by them, shall elect (not less than seven or more than thirteen directors) of the company in manner and qualified as hereinafter directed; which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

5

Allotment of
stock.

12. It shall be lawful for the directors in procuring subscriptions for stock to allot such stock in such amounts and subject to the payment of such calls of such amount, and at such times and at such discount as they may think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription, or by instalments, and the amount of every such instalment, as and when payable, shall be deemed to be money due in respect of a call duly made in accordance with the provisions contained in section 27 of *The Railway Act of Ontario*, and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act, as in the case of a call due by a shareholder on a share.

20

Power to
make certain

13. The said provisional directors or the elected directors may pay or agree to pay in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant, or rolling stock, and also when sanctioned by a vote of shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be pro-

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Annual
meetings.

14. The general annual meeting of the shareholders of the company shall be held in such place in the Town of Port Arthur, or at such other place, and on such days, and at such hours, as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the Town of Port Arthur, during the four weeks preceding the week in which such meeting is to be held.

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Special
meetings.

15. Special general meetings of the shareholders of the company may be held at such place in the Town of Port Arthur, or at such other place, and such times, and in such manner, and for such purposes, as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section.

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Qualification
of directors.

16. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company upon which all calls have been paid up.

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Rights of
aliens.

17. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company.

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18. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business. Quorum of Directors.

19. Any municipality through which the said railway may pass is empowered to grant, by way of gift, to the company, any lands belonging to such municipality which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the company shall have power to accept bonus or bonuses, and also gifts of lands, from any government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company. Grant of land to company.

20. The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine houses and other erections for the uses of the said company, and the same or portions thereof in their discretion to sell or convey, and also to make use for the purpose of the said railway of any stream or water-course at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course. Power to hold additional property at extremities of railway.

21. The said company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Power to collect back charges on goods.

22. It shall and may be lawful for any municipality through which the said railway passes and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company, and if such highway be either in the possession of, or out of the control of, any joint stock company, then, also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway. Right to use highways.

23. It shall further be lawful for the council of any municipality through which any part of the said railway passes or is situate, by by-law specially passed for that purpose, to exempt the Company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise, in gross, by way of commutation or composition for payment, or in lieu of all or of any municipal rates or assessments to Exemption from taxation.

be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

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Power to acquire more land than is required for use of railway.

24. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over 10 which the railway is to run, the Company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the Company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may 15 sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to acquire more land than required for railway.

25. When stone, gravel, earth or sand is or are required for 20 the construction or maintenance of said railway or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall 25 serve a copy thereof with their notice of arbitration as in case of acquiring the roadway and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway and all the provisions of *The Railway Act of Ontario* and of this 30 Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such 35 proceedings may be had by the Company either to the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required. 40

Sidings to gravel pit, etc.

26 —(1) When said gravel, stone or other material shall be 45 ken under the preceding section of this Act at a distance from the line of the railway, the Company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are 50 situated; and such right may be so acquired for a term of years or permanently as the Company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the 55 said railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

27. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said Company shall pass or be situate, may aid the said Company, by giving money or debentures, by way of bonus or gift, or may aid the said Company by way of loan, or by the guarantee of the municipal corporation : provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by a majority of the qualified rate-payers of the municipality, or portion of municipality (as the case may be), in accordance with, and as provided by law in respect to granting aid by way of bonuses to railways.

Aid to company by municipality.

28. Before such by-law is submitted the Railway Company shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

Expenses of submission of municipal by-laws to electors.

29. Any municipality, or portion of a township municipality, interested in the construction of the said railway, may grant aid by the way of bonus to said Company toward the construction of said railway, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof, beyond what is allowed by law : provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes (exclusive of school rates) than three cents in the dollar upon the value of the ratable property therein.

Increase of municipal taxation not to exceed 3 cents on the dollar.

30. The Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made or endorsed by the president of the Company, and countersigned by the secretary of the said Company, and under the authority of a majority of a quorum of the directors, shall be binding on the Company, and every such promissory note or bill of exchange shall be presumed to have been made with proper authority until the contrary be shewn ; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein.

Negotiable instruments.

31. The Company shall have power and authority to issue guaranteed or preferred stock to such an amount not exceeding (\$10,000) ten thousand dollars per mile as shall be authorized by a majority of the shareholders, voting in person or by proxy, at any regular annual meeting, or special general meeting called for that purpose ; but such stock shall not interfere with the lien, mortgage, and privilege attaching to lands issued under the authority of this Act, and the holders of such stock shall have all the rights and privileges of the holders of the capital or common stock.

Preferential stock.

Bonds.

32. The Company shall have power and authority upon the approval of a majority of the shareholders voting in person or by proxy, at any regular annual meeting, or special general meeting called for that purpose, to issue mortgage bonds, not to exceed twenty-five thousand dollars per mile, for each and every mile of railway herein authorized to be built for the purposes of the undertaking authorized by this Act, which shall constitute a first mortgage and lien upon the said railway, its property real and personal, rolling stock, plant, tolls and revenues, after the deduction from such tolls and revenues of the "working expenses" of the railway; and such mortgage shall be evidenced by a deed or deeds of trust executed by the Company, which deed or deeds shall contain such conditions respecting the payment of the said lands and of the interest thereon, and respecting the remedies which shall be enjoyed by the holders thereof, or by any trustee or trustees for them in default of such payment and for enforcing such remedies, and for such forfeitures and penalties in default of payment thereof, and of the interest or coupons thereon, as are approved by a majority of the Board of Directors of the said Company at any regular meeting, or a special meeting called for that purpose, as are not contrary to law or the provisions of this Act.

Interpretation
of "Working
Expenses."

33. The phrase "working expenses" shall mean and include all expenses incident and necessary for the proper maintenance and operating of the railway, and undertaking and everything belonging thereto, and all such charges as in all cases of English, American, and Canadian railway companies, are usually carried to the debit of revenue as distinguished from capital account.

Pledging
Stock.

34. The Company may from time to time for advances of money, pledge any stock, debentures or bonds which, under the powers of this Act, can be issued for the construction of the railway or otherwise.

Power to
collect back
charges on
goods.

35. The said Company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities, as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Construction
Time for
construction.

36. The Company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the Company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken, therefore, as far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such length as the Company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles

in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every one of the clauses of the said Railway Act and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited, according to the said clauses of the said Railway Act and the amendments thereof, with respect to "plans and surveys."

37. The railway shall be commenced within _____ years and completed within seven years after the passing of this Act. Commence-
ment and
completion of
railway.

(Section 33.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \$ _____, paid to me (or us) by the Pacific and Atlantic Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said Company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \$ _____, paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels *as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said Company for the purposes of its railway to hold, with the appurtenances unto the said Pacific and Atlantic Railway Company, its successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said _____ do hereby bar my (or our) dower to the said lands. As witness my (or our) hand and seal (or hands and seals) this _____ day of _____ 18 _____.

Signed' sealed and delivered }
in the presence of }

L.S.

No. 19.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to Incorporate the Pacific and
Atlantic Railway Company.

First Reading, 22nd February, 1886.

(Private Bill.)

Mr. CONNIE.

TORONTO:



PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to Incorporate the Pacific and Atlantic
Railway Company.

WHEREAS the construction of a railway on the line herein- Preamble.
after set forth, would open up and develop large sections
of the Province now difficult of access, and would supply an im-
portant and independent link connecting the railway systems at
5 its eastern terminus with those at its western, and would con-
duce to the general advantage of the Province of Ontario; and
whereas the persons hereinafter mentioned have, by petition,
prayed that they may be incorporated for the purpose of con-
structing and operating such railway; and whereas it is ex-
10 pedit to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. D. C. Linsley, Wm. A. Allan, Wm. Macdougall, S. J. Incorporation.
15 Ritchie, J. Conmee, C. L. Snow, C. A. Craig, F. W. Marsh, R. A.
Lyon, Jacob William Dill, Angus Sinclair, William Turner,
John Robinson, James B. Dobie, David Jackson, together
with all such persons and corporations as shall become
shareholders in the Company hereby incorporated, shall be
20 and are hereby constituted a body corporate and politic by
the name of "the Pacific and Atlantic Railway Company,"
hereinafter called the Company.

 2. The several clauses of *The Railway Act of Ontario* shall Railway Act
be incorporated with, and be deemed to be part of this Act, incorporated.
25 and shall apply to the said Company, and to the railway to be
constructed by them, except only so far as they may be incon-
sistent with the express enactments hereof; and the expression
"this Act" when used herein, shall be understood to include
the clauses of the said *Railway Act* so incorporated with this
30 Act. 

3. The said Company, their agents and servants, shall have Location of
full power and authority to survey, lay out, construct, complete, line.
lease, purchase and operate a single or double line of railway,
from a point on the eastern boundary of the Province of
35 Ontario, in the County of Glengarry, thence westerly by the
most direct and available engineering route *via* Ottawa, the
valleys of the Madawaska, Maganetawan and Spanish
Rivers, to the waters of Lake Superior, and connecting with
any railway bridge which may be built across the St. Mary's
40 River at or near the Sault Ste. Marie in the District of
Algoma; also branch lines from such points on the above
line as the said Company may deem most practicable, to and

through the Island of Manitoulin, and to a connection *via* the Village of Parry Sound, *if found practicable*, with the Midland Railway system in the County of Simcoe, or at its option, in the County of Haliburton or both of said branches, with full power to pass over any portion of the country between the points aforesaid, and to carry their railway through crown lands, if any, lying between the said points. 5

Gauge.

4. The gauge of the said railway shall be four feet eight and one-half inches.

Steamboats.

5. The Company shall have power to construct, purchase, sell, charter, own and use, scows, boats and steam or other vessels on the lakes, rivers and canals of this Province in connection with their railway. 10

Purchase of lands near navigable rivers and erection of warehouses, etc.

6. The Company shall have power to purchase, lease or acquire, at any point where their railway or any branch thereof touches, or approaches within two miles of any navigable waters, sufficient land for the uses of the company, their railway and vessels, run or navigated in connection with said railway, and the Company may erect warehouses, elevators, docks, wharves, stations, workshops, and such other buildings as may be necessary for the purposes of the Company, and may sell and convey such land as may be found superfluous for any such purposes; and shall also have full power to connect any of the works herein mentioned with any point on the railway, or its branches, by means of any line or lines of railway for such purposes. 15 20 25

Power to amalgamate with other companies

7. The Company is authorized and empowered to make necessary arrangements to contract and agree with the Grand Trunk Railway Company of Canada, the Ontario Pacific Railway Company, the Ontario and Sault Ste. Marie Railway Company, and the Canada Atlantic Railway Company, or any or either of them, if lawfully authorized to enter into such arrangements, for amalgamation with any or either of them, provided that the terms of such amalgamation are approved of by two-thirds of the shareholders voting either in person or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act. 30 35

Agreements with other companies.

8. The Company shall have power to enter into, and conclude any agreement with the Grand Trunk Railway Company of Canada, the Ontario Pacific Railway Company, the Ontario and Sault Ste. Marie Railway Company, and the Canada Atlantic Railway Company, or any or either of them, if lawfully authorized to enter into such agreement, to lease the railway herein authorized, or any part thereof; or to lease or acquire, running powers over the lines of such other railway companies, or any or either of them, or any part or parts thereof, or for leasing or hiring, any locomotives, tenders, plant, rolling stock, or other property, or touching any service to be rendered by the one company to the other, and the compensation therefor: provided that the agreements shall be approved of by two-thirds of the shareholders voting either in person, or by proxy, at any special general meeting, called for that purpose; but nothing in this or the preceding section shall be construed as purporting or intending to confer 40 45 50

rights or powers upon any company which is not within the legislative authority of this Province.

9. For the purposes of constructing, working and protecting the telegraph lines to be constructed by the Company on their line of railway, the powers conferred upon telegraph companies by *The Act Respecting Electric Telegraph Companies*, are hereby conferred upon the Company, and the other provisions of the said Act for the working and protection of telegraph lines, shall apply to any such telegraph lines constructed by the Company.

10. The Company shall have the right on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided always that any such snow fences so erected shall be removed on or before the first day of April following.

11. D. C. Linsley, Wm. A. Allan, Wm. Macdougall, J. Conmee, R. A. Lyon, C. L. Snow, S. J. Ritchie, C. A. Craig, F. W. Marsh, Jacob William Dill, Angus Sinclair, William Turner, John Robinson, James B. Dobie, and David Jackson, are hereby constituted a board of provisional directors of the Company, and shall hold office as such until other directors shall be elected under the provisions of this Act by the shareholders, and shall have power to fill the place or places of any of their number which may become vacant, and to open stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; and such provisional directors may appoint a committee from their number to open such stock books, giving at least four weeks' notice in the *Ontario Gazette*, and in one paper published in the City of Ottawa, of the time and place of meeting to open such books and to receive such subscriptions, and the said committee, or a majority of them, may in their discretion exclude any person from subscribing.

12. The capital stock of the Company hereby incorporated shall be \$5,000,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into fifty thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

First election
of directors.

13. When and so soon as shares to the amount of \$150,000 in the capital stock of the company shall have been subscribed and ten per cent. shall have been paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario (which shall on no account be withdrawn therefrom unless for the service of the company) the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in a paper published in the City of Ottawa, and in the *Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting the shareholders present, either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect (not less than seven or more than thirteen directors) of the company in manner and qualified as hereinafter directed; which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

Allotment of
stock.

14. It shall be lawful for the directors in procuring subscriptions for stock to allot such stock in such amounts and subject to the payment of such calls of such amount, and at such times and at such discount as they may think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription, or by instalments, and the amount of every such instalment, as and when payable, shall be deemed to be money due in respect of a call duly made in accordance with the provisions contained in section 27 of *The Railway Act of Ontario*, and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act, as in the case of a call due by a shareholder on a share.

Power to
make certain
payments in
paid-up stock.

15. The said provisional directors or the elected directors may pay or agree to pay in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant, or rolling stock, and also when sanctioned by a vote of shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not, and any agreements so made shall be binding on the company.

Annual
meetings.

16 The general annual meeting of the shareholders of the company shall be held in such place in the *City of Ottawa*, or at such other place, and on such days, and at such hours, as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the *City of Ottawa*, during the four weeks preceding the week in which such meeting is to be held.

Special
meetings.

17. Special general meetings of the shareholders of the company may be held at such place in the *City of Ottawa*,

or at such other place, and at such times, and in such manner, and for such purposes, as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section.

- 5 **18.** In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company upon which all calls have been paid up. Qualification of directors.
- 10 **19.** Aliens *and companies incorporated abroad*, as well as British subjects *and corporations*, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company. Rights of aliens.
- 15 **20.** At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business. Quorum of Directors.
- 20 **21.** Any municipality through which the said railway may pass is empowered to grant, by way of gift, to the company, any lands belonging to such municipality *or over which it may have control*, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the company shall have power to accept gifts of lands, from any government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company. Grant of land to company.
- 30 **22.** The company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine houses and other erections for the uses of the said company, and the same or portions thereof in their discretion to sell or convey, and also to make use for the purpose of the said railway of any stream or water-course at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course. Power to hold additional property at extremities of railway.
- 35 **23.** It shall and may be lawful for any municipality through which the said railway passes and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company, and if such highway be either in the possession of, or *under* the control of, any joint stock company, then, also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway. Right to use highways.

Exemption
from taxation.

24. It shall further be lawful for the council of any municipality through which any part of the said railway passes or is situate, by by-law specially passed for that purpose, to exempt the Company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise, in gross, by way of commutation or composition for payment, or in lieu of all or of any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

Power to
acquire more
land than is
required for
use of railway.

25. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the Company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the Company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring
gravel, etc.,
for construction
or
maintenance
of railway.

26. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the Company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits,
etc.

27.—(1) When said gravel, stone or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the Company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of

way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the Company may think proper, and the powers in this and the preceding section may at all times
5 be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway. -

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

28. The Company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, *accepted* or endorsed by the president of the
15 Company, and countersigned by the secretary of the said Company, and under the authority of a quorum of the directors, shall be binding on the Company, and every such promissory note or bill of exchange *so made* shall be presumed to have been made with proper authority until the contrary be shewn;
20 and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority
25 of the directors as herein~~is~~ provided and enacted: provided however that nothing in this section shall be construed to authorize the said Company to issue any promissory note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank. ~~and~~

30 29. The Company shall have power and authority to issue guaranteed or preferred stock to such an amount not exceeding (\$10,000) ten thousand dollars per mile as shall be authorized by *two-thirds in value* of the shareholders, voting in person or
35 by proxy, at any regular annual meeting, or special general meeting called for that purpose; but such stock shall not interfere with the lien, mortgage, and privilege attaching to bonds issued under the authority of this Act, and the holders of such stock shall have all the rights and privileges of the holders of the capital or common stock.

40 30. The Company shall have power and authority upon the approval of a majority of the shareholders voting in person or by proxy, at any regular annual meeting, or special general
45 meeting called for that purpose, to issue mortgage bonds, not to exceed twenty-five thousand dollars per mile, for each and every mile of railway herein authorized to be built for the purposes of the undertaking authorized by this Act, which shall constitute a first mortgage and lien upon the~~the~~ under-
50 taking and the real property of the Company, including its rolling stock and equipments then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and encumbrancer *pro rata* with all the other holders thereof, upon the undertaking and property of the Company as afore-said; ~~and~~ and such mortgage shall be evidenced by a deed or deeds of trust executed by the
55 Company, which deed or deeds shall contain such con-

ditions respecting the payment of the said *bonds* and of the interest thereon, and respecting the remedies which shall be enjoyed by the holders thereof, or by any trustee or trustees for them in default of such payment and for enforcing such remedies, and for such forfeitures and penalties in default of payment thereof, and of the interest or coupons thereon, as are approved by a majority of the Board of Directors of the said Company at any regular meeting, or a special meeting called for that purpose, as are not contrary to law or the provisions of this Act. 10

Pledging
Stock.

31. The Company may from time to time for advances of money, pledge any stock, debentures or bonds which, under the powers of this Act, can be issued for the construction of the railway or otherwise.

Power to
collect back-
charges on
goods.

32. The Company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back-charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities, as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. 15 20

Form of con-
veyances.

33. Conveyances of lands to the said Company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said Company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. 25 30 35

Power to build
railway by
sections.

34. The Company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the Company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, as far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such length as the Company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every one of the clauses of the said Railway Act and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through 40 45 50 55

which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited, according to the said clauses of the said Railway Act and the amendments thereof, with respect to "plans and surveys."

35. The railway shall be commenced within *two* years and completed within seven years after the passing of this Act. Commence-
ment and
completion of
railway.

SCHEDULE A.

(Section 33.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \$ _____, paid to me (or us) by the Pacific and Atlantic Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said Company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \$ _____, paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (*or those certain parcels as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said Company for the purposes of its railway to hold, with the appurtenances unto the said Pacific and Atlantic Railway Company, its successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (*or wives*) of the said _____ do hereby bar my (*or our*) dower in the said lands. As witness my (*or our*) hand and seal (*or hands and seals*) this _____ day of _____ 18 ____.

Signed, sealed and delivered }
in the presence of }

L.S.

No. 19.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to Incorporate the Pacific and
Atlantic Railway Company.

*(Reprinted as amended by Railway Com-
mittee.)*

First Reading, 22nd February, 1886.

(Private Bill.)

Mr. CONMEE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to Incorporate the Georgian Bay and Lake
Huron Railway Company.

WHEREAS Frank Turner, Alfred Hoskin, Perrott Long Innes, John Alexander Dunbar Vickers, George Samuel MacKay, Alexander John Cattanaach, Robert Charles Turner, Charles Patrick, and George Sandfield Macdonald, have petitioned for an Act to incorporate a company to construct and operate a railway from some point at or near the Town of Southampton, in the Township of Saugeen, and County of Bruce, or from a point at or near the Town of Port Elgin, in the same township and county, to a point at or near the Town of Meaford, in the Township of St. Vincent, and County of Grey, with power to connect and cross other railways, and for other purposes; and whereas it is expedient to grant the prayer of the said petitioners;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Frank Turner, of the Township of York, civil engineer; Alfred Hoskin, of the City of Toronto, Queen's Counsel, Perrott Long Innes, of the said City of Toronto, Civil Engineer, John Alexander Dunbar Vickers, of the said City of Toronto, Express Company's Manager, George Samuel MacKay, of the said City of Toronto, Esquire, Alexander John Cattanaach, of the said City of Toronto, Barrister-at-Law, Robert Charles Turner, of Leamington, England, Civil Engineer, Charles Patrick, of Cloughfold, Lancashire, England, Esquire, and George Sandfield Macdonald, of the said City of Toronto, Barrister-at-Law, together with such other person or persons, corporation or corporations, as shall under the provisions of this Act become shareholders in the company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of *The Georgian Bay and Lake Huron Railway Company* (hereinafter called the company).

2. The several clauses of *The Railway Act of Ontario*, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said Company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said *Railway Act* so incorporated with this Act.

Location of
line.

3. The said Company hereby incorporated, and their servants and agents, shall have full power under this Act to construct and operate a railway, with all its stations, sidings, telegraphs, and accessories, from any point at or near the Town of Southampton, in the Township of Saugeen, and County of Bruce, with power to connect at or near such point with the Wellington, Grey, and Bruce Railway, now leased to and used by the Grand Trunk Railway Company of Canada; or from any point at or near the Town of Port Elgin, in the said Township of Saugeen, and County of Bruce, with power to connect at such point with the Wellington, Grey, and Bruce Railway, now leased and used by the said Grand Trunk Railway Company of Canada; thence in an easterly direction to a point at or near Allenford, on the line of the Georgian Bay and Lake Erie Railway, also leased to and operated by the said Grand Trunk Railway Company of Canada, with power to cross and connect at such point with the said Georgian Bay and Lake Erie Railway, from thence continuing easterly to a point at or near the Town of Owen Sound, in the Township of Sydenham, and County of Grey, with power to cross and connect with the Toronto, Grey, and Bruce Railway, now leased to and operated by the Canadian Pacific Railway Company, at or near the last mentioned point; thence continuing easterly to a point at or near the Town of Meaford, in the Township of St. Vincent and said County of Grey, with power to cross and connect at or near the last mentioned point with the Northern Railway of Canada, its branches or extensions.

4. The gauge of the said railway shall be four feet eight and one half inches.

Provisional
Directors.

5. From and after the passing of this Act, the said Frank Turner, Alfred Hoskin, Perrott Long Innes, John Alexander Dunbar Vickers, and George Samuel Mackay, shall be provisional directors of the said Company, and the said Frank Turner shall be chairman of the said provisional directors, and the head office of the said Company shall be at the City of Toronto, or at such place as the directors may from time to time by by-law appoint.

Head office.

Form of
Conveyances.

6. Conveyances of land to the said Company for the purposes of this Act, may be made in the form set out in the Schedule A hereunder written, or to the like effect, and such conveyances shall be received by the several registrars, and be registered by duplicate thereof in such manner and upon such proof of execution as is required under the registry laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof.

Powers of
provisional
directors.

7. The persons named in section 5 hereof, are constituted the board of provisional directors of the said Company, and shall hold office as such until the first election of the directors under this Act, and shall have power and authority, immediately after the passing of this Act, to open stock books and procure subscriptions of stock for the undertaking, giving at least four weeks previous notice by advertisement in at least one of the Toronto daily newspapers and in the *Ontario*

Gazette, of the time and place of their meeting; and the said provisional directors may, in their discretion, exclude any person from subscribing, who in their judgment would hinder or delay the Company from prosecuting the work and proceeding with the railway; and may allot and apportion the stock amongst the subscribers as to the said provisional directors may seem meet; and the said provisional directors may cause surveys and plans to be made and executed, and to acquire any plans or surveys now existing; and may enter into any contract or contracts for the building of the said railway; and it shall be their duty as hereinafter provided, to call a general meeting of shareholders for the election of directors.

Capital stock.

8. The capital of the Company hereby incorporated shall be \$500,000, with power to increase the same in manner provided by *The Railway Act of Ontario*, to be divided into ten thousand shares of \$50 each; and shall be raised by the persons and corporations who may become shareholders in such Company; and the money so raised and paid into the Company shall be applied in the first place to the payment of all costs, charges and expenses of and incidental to the obtaining of this Act, and of all expenses for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment, completion and the operating of the said railway, and the other purposes of this Act, and to no other purpose whatever; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation present at such meeting, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said Company, or be allowed to it in payment of stock.

Municipal aid for preliminary expenses.

9. When and so soon as shares to the amount of \$25,000 of the capital stock of the said company shall have been subscribed, and ten per centum thereon paid into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the Company, and which shall on no account be withdrawn therefrom unless for the services of the Company, the provisional directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum upon the amounts subscribed by them, for the purpose of electing directors of the said Company.

First meeting for election of directors.

10. In case the provisional directors neglect to call a meeting for the space of three months after \$25,000 of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers collectively for not less than \$5,000 of the capital stock, and who have paid up all claims thereon.

Provision in case provisional directors neglect to call meeting.

11. In either of the cases last mentioned, notice of the time and place of holding such general meeting shall be given by

Notice and place of meeting.

Election of
directors.

publication in at least one of the daily newspapers in the City of Toronto, once in each week for the space of at least one month, and in the *Ontario Gazette*; and such meeting shall be held in the said City of Toronto, at such place therein, and on such day, and at such hour as may be named and set forth in such notice. 5

Qualification
of directors.

12. At such general meeting the subscribers to the capital stock, present in person or by proxy, who shall have so paid up ten per centum in respect to their subscriptions, shall choose not less than five nor more than eight persons to be directors 10 of the said Company, which said directors shall constitute a board of directors, and shall hold office until the next annual general meeting, or until other directors be elected in their stead; and may also make and pass such rules, regulations and by-laws as may be deemed expedient, provided they be not 15 inconsistent with this Act.

Rights of
aliens.

13. No person shall be qualified to be a director unless he be a shareholder holding at least fifty shares of stock in the said Company, and unless he has paid up all calls thereon.

Annual
meetings.

14. Aliens as well as British subjects, and whether resident 20 within this Province or elsewhere, may be shareholders in the said Company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors in the said Company.

Special
meetings.

15. Thereafter the annual general meeting of the share- 25 holders of the said Company shall be held at such place in the City of Toronto, and on such days, and at such hours as may be directed by the by-laws of the said Company; and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and once in each week in at least one of the 30 daily newspapers published in the City of Toronto.

Aid to
company.

16. Special general meetings of the shareholders of the said Company may be held at such places in the City of Toronto, and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company, and 35 after due notice shall be given as provided in the last preceding section.

Aid from
municipalities

17. The said Company may receive from any Government, or from any person or bodies corporate or politic, who may have power to make or grant the same, aid towards the con- 40 struction, equipment or maintenance of the said railway, or of any of the works authorized under this Act to be undertaken, by way of gift, bonus, or loan of money or debentures, or other securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. 45

18. Any municipality, or any portion of any township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, the railway or works of the said Company shall pass or be situate, may aid the said Company by subscribing for and 50 taking stock in the said railway company, and by giving money or debentures, by way of bonus, gift, or loan, or by the

guarantee of the municipal corporation, under and subject to **Proviso.**
 the provisions hereinafter contained : provided always that such
 aid shall not be given except after the passing of a by-law for
 the purpose, and the adoption of such by-law by the qualified
 5 ratepayers of the municipality or portion of the municipality, as
 the case may be, in accordance with and as provided by law in
 respect to granting aid by way of taking stock or granting
 bonuses to railways.

19. Such by-law shall be submitted by the municipal council **Provisions as to bonus by-laws.**
 10 to the vote of the ratepayers, in manner following, namely :—

(1.) The proper petition shall first be presented to the council
 expressing the desire to aid the railway, and stating in what
 way and for what amount, and the council shall within six
 weeks after the receipt of such petition by the clerk of the
 15 municipality, introduce a by-law to the effect petitioned for,
 and submit the same for the approval of the qualified voters ;

(2.) In the case of a county municipality, the petition shall
 be that of a majority of the reeves and deputy-reeves, or of
 fifty resident freeholders in each of the minor municipalities
 20 of the county, who are qualified voters under *The Consolidated
 Municipal Act, 1883* ;

(3.) In the case of other municipalities the petition shall be
 that of a majority of the council thereof, or of fifty resident
 freeholders, being duly qualified voters under *The Consolidated*
 25 *Municipal Act, 1883*, as aforesaid ;

(4.) In the case of a section of a township municipality, the
 petition is to be presented to the council, defining the section
 by metes and bounds, or lots and concessions, and shall be that
 of a majority of the council of such township municipality, or
 30 of fifty resident freeholders in such section of the municipality,
 being duly qualified voters as aforesaid.

20. Such by-law shall in each instance provide :—

By-law, Provisions of.

(1.) For raising the amount petitioned for in the municipal-
 ity or portion of the township municipality, (as the case may
 35 be,) mentioned in the petition, by the issue of debentures of the
 county or minor municipality respectively, and shall also pro-
 vide for the delivery of the said debentures, or the application
 of the amount to be raised thereby, as may be expressed in the
 said by-law ;

40 (2.) For assessing and levying upon all ratable property
 lying within the municipality or portion of the township
 municipality defined in said by-law, (as the case may be,) an
 annual special rate sufficient to include a sinking fund for the
 repayment of the said debentures within twenty years, with
 45 interest thereon, payable yearly or half-yearly, which debent-
 res and the respective municipal councils, wardens, mayors,
 reeves, and other officers thereof, are hereby authorized and
 required to execute and issue in such cases respectively.

21. In case of aid from a county municipality, fifty resident **Provisions for referring to arbitration disputes as to bonus by-laws.**
 50 freeholders of the county may petition the county council
 against submitting the said by-law, upon the ground that certain
 minor municipalities or portions thereof comprised in the said
 by-law, would be injuriously affected thereby, or upon any

other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the Registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense shall be borne by the petitioners against the same; but if amended, then by the Railway Company or the county, as the arbitrators may order.

Minor municipality, meaning of.

22. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Deposit for expenses.

23. Before any such by-law is submitted, the Railway Company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried, council to pass same,

24. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time, and pass the same.

And issue debentures,

25. Within one month after the passing of such by-law, the said council and the mayor, warden, reeve, or other head, or other officers thereof, shall issue or dispose of the debentures provided by the by-law, and deliver the same duly executed to the trustees appointed, or to be appointed under this Act.

Levying rate on portions of municipality.

26. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of Municipal Act as to by-law.

27. The provisions of *The Consolidated Municipal Act, 1883*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement.

28. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be, at any one time, for a longer period than one year.

29. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said Company, by resolution or by-law, to extend the time for the completion of the works, (on the completion of which the said Company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extension of time for completion.

30. Any municipality or portion of a township municipality interested in the construction of the road of the said Company, may grant aid by way of bonus to the said Company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Rate not exceeding three cents in the dollar valid.

Proviso.

31. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said Company passes or is situated, by by-law expressly passed for that purpose, to exempt the Company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of any municipal taxation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Exemption from taxation.

32. Any municipality through which the said railway may pass or is situate, is hereby empowered to grant by way of gift to the said Company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes; and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of land.

33. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor-in-Council, one by the said Company, and one by the majority of the heads of the municipalities which have granted bonuses, or in case of only one municipality granting a bonus, then by the head of such municipality, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities, or head of the said municipality, shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the Company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the Company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new

Trustees of debentures.

trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. 5

Trusts of
proceeds of
debentures.

34. The said trustees shall receive the said debentures or bonds in trust, (firstly) under the directions of the Company, but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the City of Toronto, in the name of "The Georgian Bay and Lake Huron Railway Municipal Trust Account," and to pay the same out to the said Company from time to time as the said Company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in schedule "B," hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate, under a penalty of \$500, recoverable in any court of competent jurisdiction, by any person who may sue therefor. 10 15 20 25

Fees to
Trustees.

35. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed. 30

Power to
make and
endorse notes
and bills
without
affixing seal.

36. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note made or endorsed, or any such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary, treasurer, or other proper officer of the said Company, and under the authority of a quorum of the directors, shall be binding on the said Company; and every such promissory note or bill of exchange so made, accepted or endorsed, shall be presumed to have been made, accepted or endorsed with proper authority, until the contrary be shewn; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the president or vice-president, or the secretary or treasurer, or other officer aforesaid, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors, as herein provided and enacted: provided, however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank. 35 40 45 50

Proviso.

Scale of vote.

Corporations,
how
represented.

37. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share so held. 55

38. At all meetings of the shareholders of the Company, the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation, and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting.

39. Any meeting of the directors of the said Company regularly summoned, at which at least three of the provisional directors or of the directors shall be present, shall be competent and entitled to exercise and use all and every of the powers hereby vested in the said directors. Quorum of directors.

40. Calls on the subscribed capital of the said Company may be made by the directors for the time being, as they shall see fit: provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month. Calls.

41. The said Company shall have power to make running arrangements with any of the lines mentioned in Section 3 of this Act, or any other lines, if lawfully empowered to enter into such arrangement, or for crossing or connecting with the same upon terms to be approved of by the directors of the Company for the time being. Arrangements with other lines.

42. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the Company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession of or under the control of any joint stock company; and if such highway be either in the possession of or under the control of any joint stock company, then also with the assent of such company; and it shall and may be lawful for the Company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway. Right to use highways.

43. The said Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities, as the persons to whom such charges were originally due, had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. Power to collect back-charges on goods.

44. The Company shall have the right, on and after the 1st day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of

Power to erect snow-fences.

Proviso.

said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law, in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the 1st day of April following.

Power to mortgage bonds.

45. The Company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or debentures which, under the powers of the *Railway Act of Ontario*, can be issued for the construction of 10 the railway or otherwise.

Payments in bonds or stock authorized in certain cases.

46. The said provisional directors, or the elected directors, may pay or agree to pay, in paid up stock or in the bonds of the said Company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant 15 or rolling stock, and also, when sanctioned by a vote of the majority of shareholders present at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right 20 of way, material, plant or rolling stock, whether such promoters or other persons be provisional directors or not, and any such agreements so made shall be binding on the Company.

Agreement for lease of railway, etc.

47. It shall be lawful for the Company incorporated under this Act to enter into any arrangement with the Wellington, 25 Grey and Bruce Railway Company, the Grand Trunk Railway Company of Canada, the Georgian Bay and Lake Erie Railway Company, the Toronto, Grey and Bruce Railway Company, the Canadian Pacific Railway Company, and the Northern Railway Company of Canada, or either of them, or any other com- 30 pany, if lawfully empowered to enter into such arrangement for leasing to them, or either of them, the said railway or any part thereof; and it shall further be lawful for the Company to enter into any arrangement with the said Wellington, Grey and Bruce Railway Company, the said Grand Trunk Railway 35 Company of Canada, the said Georgian Bay and Lake Erie Railway Company, the said Toronto, Grey and Bruce Railway Company, the said Canadian Pacific Railway Company, and the said Northern Railway Company of Canada, or either of them, or with any other company if so lawfully authorized, for 40 the working of the said railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for the sale, thereof, or for leasing and hiring from such other contracting company any portion of their railway, or the use thereof, and 45 generally to make any agreement or agreements with the said Company, if so lawfully authorized, touching the use by one or the other, or by both companies contracting, of the railway or the rolling stock of either or both, or any part thereof, or, touching any service to be rendered by the one contracting 50 company to the other, and the compensation therefor; and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company purchasing, leasing or entering into such agreement for using the said line, may and is hereby authorized to work the said railway, in the same 55 manner and in all respects as if incorporated with its own line,

and to exercise, so far as the same are applicable, all the rights, powers and privileges, by this Act conferred. Provided that every such sale, lease, or agreement shall first be sanctioned at a special general meeting called for the purpose of considering the same, according to the by-laws of the Company and the provisions of this Act, by vote of two-thirds in value of the shareholders present in person or by proxy at such meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any Company which is not within the legislative authority of this Province.

48. It shall and may be lawful for the Company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the Company, wharves, piers, docks, water lots, water frontages, and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engine houses, sheds, wharves, docks, piers and other erections for the use of the Company, and the steam and other vessels owned, worked or controlled by the Company, or any other steam or other vessels; and to collect wharfage, storage, and other charges for the use of the same; and also to erect, build, repair, and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen, and enlarge such works; and the said wharves, piers, and docks, water lots, water frontages, lands, elevators, storehouses, warehouses, engine houses, sheds and other erections, or any thereof, or any portions thereof, in its discretion to sell, lease, or convey.

Power to purchase, etc., wharves, etc.

49. It shall and may be lawful for the Company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair, steam or other vessels, from time to time to ply on lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

Power to purchase and work vessels in connection with the railway.

50. The said Company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of the *Railway Act of Ontario*, and amendments thereto, with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the said Company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the *Railway Act*, and the amendments thereof applied to, included in, or incorporated with the Act incorporating the said Railway Com-

Power to construct railway in sections.

pany, and the amendments thereto or otherwise applicable to the said Railway Company, shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of the whole course and direction of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act of Ontario*, and the amendments thereof, with respect to "plans and surveys."

Power to
appoint
agents.

51. It shall be lawful for the directors of the said Company from time to time to appoint such and so many agent or agents in this Province or in any other part of Her Majesty's dominions as to them shall seem expedient, and by any by-law to be made for such purpose to empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the directors themselves, or any of them, may lawfully do, perform and exercise except the power of making by-laws, and all things done by such agent or agents, by virtue of the powers in him or them vested by any such by-law, shall be as valid and effectual to all intents and purposes as if done by such directors themselves; and any director or directors of the said Company may be appointed such agent or agents.

Power to keep
duplicate seal.

52. It shall be lawful for the said Company to have and keep a duplicate seal for the transaction of such of their business in the United Kingdom of Great Britain and Ireland as the board of directors of the said Company may from time to time designate, and the said seal may be used and affixed in all such cases by such officer or officers, agent or agents, as the said directors may by by-law from time to time direct, and any instrument to which the said duplicate seal shall be so affixed, shall be valid and binding upon the said Company.

Power to purchase whole
lots.

53. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gavel pits, or for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any parcel or lot of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands, and also the right of way thereto if the same be separate from their railway, and may sell and convey the same or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of the *Railway Act* shall not apply to this section.

Acquiring
gravel etc.,
for construction and maintenance of
railway.

54. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situated for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of requiring a roadway, and the notice of arbitration, the

award and tender of compensation shall have the same effect as in case of arbitration for the roadway ; and all the provisions of *The Railway Act of Ontario* and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken. or who may sell, shall apply to the subject-matter of this section as to the obtaining of materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

55—(1) When said gravel, sand, stone, or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the Company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be ; and all the provisions of *The Railway Act of Ontario* as the case may be, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right may be so acquired for a term of years, or permanently as the Company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway, and the extension and additions to the stations thereof.

Sidings to gravel pits.

(2) When estimating the damages for the taking of gravel, stone or sand, sub-section 8 of section 20 of *The Railway Act of Ontario*, shall not apply.

56. The construction of the said railway shall be commenced within three years, and the same shall be completed within six years, after the passing of this Act.

Commencement and completion of railway.

SCHEDULE A.

(Section 6.)

Know all men by these presents that I (or we) (*insert the name of the vendors or any other person who may be a party*) in consideration of \$ _____ dollars paid to me (*as the case may be*) by "The Georgian Bay and Lake Huron Railway Company," the receipt whereof is hereby acknowledged, do grant and convey (and I, the said _____ do grant and release, or do bar my dower in, *as the case may be*, all that certain parcel, or those certain parcels, *as the case may be*) of land situate (*describe the land*) the same having been selected and laid out by the said Company for the purposes of their railway, to hold with the appurtenances unto the said "The Georgian Bay and Lake Huron Railway Company," their successors and assigns.

As witness my (or our) hand and seal (or hands and seals) this _____ day of _____ one thousand eight hundred and _____

Signed, sealed and delivered in the presence of

[L. S.]

SCHEDULE B.

(Section 34).

CHIEF ENGINEER'S CERTIFICATE.

THE GEORGIAN BAY AND LAKE HURON
RAILWAY COMPANY'S OFFICE,

No. Engineer's Department, A D. 188

Certificate to be attached to cheques drawn on "The Georgian Bay and Lake Huron Railway Company Municipal Trust Account," given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer of the Georgian Bay and Lake Huron Railway Company, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of

(or under the agreement dated the day of between the corporation of and the said Company) to entitle the said Company to receive from the said trust the sum of

(here set out the terms and conditions, if any, which have been fulfilled.)

No. 20.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to incorporate The Georgian Bay and Lake Huron Railway Company.

First Reading,

1886.

(Private Bill.)

Mr. BADGEROW.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the Georgian Bay and Lake
Huron Railway Company.

WHEREAS Frank Turner, Alfred Hoskin, Perrott Long Innes, John Alexander Dunbar Vickers, George Samuel MacKay, Alexander John Cattanach, Robert Charles Turner, Charles Patrick, and George Sandfield Macdonald, have petitioned for an Act to incorporate a company to construct and operate a railway from some point at or near the *Village* of Southampton, in the County of Bruce, or from a point at or near the *Village* of Port Elgin, in the *said* county, or from both of *said* points, to a point at or near the Town of Meaford, in the County of Grey; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Frank Turner, of the Township of York, civil engineer; Alfred Hoskin, of the City of Toronto, Queen's Counsel, Perrott Long Innes, of the said City of Toronto, Civil Engineer, John Alexander Dunbar Vickers, of the said City of Toronto, Express Company's Manager, George Samuel MacKay, of the said City of Toronto, Esquire, Alexander John Cattanach, of the said City of Toronto, Barrister-at-Law, Robert Charles Turner, of Leamington, England, Civil Engineer, Charles Patrick, of Cloughfold, Lancashire, England, Esquire, and George Sandfield Macdonald, of the said City of Toronto, Barrister-at-Law, together with such other person or persons, corporation or corporations, as shall under the provisions of this Act become shareholders in the company hereby incorporated, shall be and are hereby ordained, constituted and declared to be a body corporate and politic, by and under the name of *The Georgian Bay and Lake Huron Railway Company* (hereinafter called the company).

2. The several clauses of *The Railway Act of Ontario*, shall be incorporated with, and be deemed to be part of this Act, and shall apply to the said Company, and to the railway to be constructed by them, except only so far as they may be inconsistent with the express enactments hereof; and the expression "this Act," when used herein, shall be understood to include the clauses of the said Railway Act so incorporated with this Act.

3. The said Company hereby incorporated, and their servants and agents, shall have full power under this Act to construct and operate a railway, with all its stations, sidings, tele-

graphs, and accessories, from any point *on the shore of Lake Huron, within the Village of Southampton*, in the County of Bruce, with power to connect at or near such point with the Wellington, Grey, and Bruce Railway, now leased to and used by the Grand Trunk Railway Company of Canada; or from any point at or near the *Village of Port Elgin*, in the said County of Bruce, *or from both such points*, with power to connect *both such points* with the said Wellington, Grey, and Bruce Railway; thence in an easterly direction to a point at or near Allenford, on the line of the Georgian Bay and Lake Erie Railway, also leased to and operated by the said Grand Trunk Railway Company of Canada, from thence continuing easterly to the *navigable waters of the Georgian Bay, in the Town of Owen Sound*; thence continuing easterly to a point at or near the Town of Meaford, ~~and~~ with power to continue to the waters edge of the Georgian Bay, within the said Town of Meaford, and to connect at or near the said Town of Meaford, with the Northern Railway of Canada. ~~and~~

Gauge.

4. The gauge of the said railway shall be four feet eight and one half inches.

Provisional Directors.


5. From and after the passing of this Act, the said Frank Turner, Alfred Hoskin, Perrott Long Innes, John Alexander Dunbar Vickers, and George Samuel Mackay, ~~and~~ with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said Company, and shall hold office as such until the first election of directors under this Act. ~~and~~

Form of Conveyances.

6. Conveyances of land to the said Company for the purposes of and powers given by this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said Company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof. ~~and~~

Powers of provisional directors.

7. ~~and~~ The said board of provisional directors shall have power forthwith to open stock books and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the Company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the Company from proceeding with and completing their

undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors, shall allocate and apportion it amongst the subscribers, as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of Toronto, or at such other place as may best suit the interest of the said Company. 

8. The capital of the Company hereby incorporated shall be \$500,000, with power to increase the same in manner provided by *The Railway Act of Ontario*, to be divided into ten thousand shares of \$50 each; and shall be raised by the persons and corporations who may become shareholders in such Company; and the money so raised and paid into the Company shall be applied in the first place to the payment of all costs, charges and expenses of and incidental to the obtaining of this Act, and of all expenses for making the surveys, plans and estimates connected with the works hereby authorized; and all the remainder of such money shall be applied to the making, equipment, completion and the operating of the said railway, and the other purposes of this Act, and to no other purpose whatever; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any municipality on or near the line of such works may, by resolution, of which seven days' previous notice shall have been given, and passed by a majority of the said municipal corporation authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses, which shall thereafter, if such municipality shall so require, be refunded to such municipality from the capital stock of the said Company, or be allowed to it in payment of stock.

Capital stock.

Municipal aid for preliminary expenses.

9. When and so soon as shares to the amount of \$50,000 of the capital stock of the said company shall have been subscribed, and ten per centum thereon paid into some chartered bank of the Dominion having an office in the Province of Ontario, to the credit of the Company, and which shall on no account be withdrawn therefrom unless for the services of the Company, the provisional directors shall call a general meeting of the subscribers to the said capital stock, who shall have so paid up ten per centum upon the amounts subscribed by them, for the purpose of electing directors of the said Company.

First meeting for election of directors.

10. In case the provisional directors neglect to call a meeting for the space of three months after \$50,000 of the capital stock shall have been subscribed, and ten per centum thereof so paid up, the same may be called by any five of the subscribers who shall have so paid up ten per centum, and who are subscribers collectively for not less than \$5,000 of the capital stock, and who have paid up all claims thereon.

Provision in case provisional directors neglect to call meeting.

11. In either of the cases last mentioned, notice of the time and place of holding such general meeting shall be given by

Notice and place of meeting.

publication in at least one of the daily newspapers in the City of Toronto, once in each week for the space of at least one month, and in the *Ontario Gazette*; and such meeting shall be held in the said City of Toronto, at such place therein, and on such day, and at such hour as may be named and set forth in such notice. 5

Election of directors.

12. At such general meeting the subscribers to the capital stock, present in person or by proxy, who shall have so paid up ten per centum in respect to their subscriptions, shall choose not less than five nor more than eight persons to be directors 10 of the said Company, which said directors shall constitute a board of directors, and shall hold office until the next annual general meeting, or until other directors be elected in their stead; and may also make and pass such rules, regulations and by-laws as may be deemed expedient, provided they be not 15 inconsistent with this Act.

Qualification of directors.

13. No person shall be qualified to be a director unless he be a shareholder holding at least fifty shares of stock in the said Company, and unless he has paid up all calls thereon.

Rights of aliens.

14. Aliens as well as British subjects, and whether resident 20 within this Province or elsewhere, may be shareholders in the said Company; and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to hold office as directors in the said Company.

Annual meetings.

15. Thereafter the annual general meeting of the share- 25 holders of the said Company shall be held at such place in the City of Toronto, and on such days, and at such hours as may be directed by the by-laws of the said Company; and public notice thereof shall be given at least thirty days previously in the *Ontario Gazette*, and once in each week, *during the four weeks* 30 *preceding the week in which such meeting is to be held*, in at least one of the daily newspapers published in the City of Toronto.

Special meetings.

16. Special general meetings of the shareholders of the said Company may be held at such places in the City of Toronto, 35 and at such times and in such manner and for such purposes as may be provided by the by-laws of the said Company, and after due notice shall be given as provided in the last preceding section.

Aid to company.

17. The said Company may receive from any Government, 40 or from any person or bodies corporate or politic, who may have power to make or grant the same, aid towards the construction, equipment or maintenance of the said railway, or of any of the works authorized under this Act to be undertaken, by way of gift, bonus, or loan of money or debentures, or other 45 securities for money, or by way of guarantee, upon such terms and conditions as may be agreed upon.

Aid from municipalities

18. Any municipality, or any portion of any township municipality, which may be interested in securing the construction of the said railway, or through any part of which, or near which, 50 the railway or works of the said Company shall pass or be situate, may aid the said Company by giving money or

debentures, by way of bonus, gift, or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained : provided always that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of the municipality, as the case may be, in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

19. Such by-law shall be submitted by the municipal council to the vote of the ratepayers, in manner following, namely :—

Provisions as to bonus by-laws.

1. The proper petition shall first be presented to the council expressing the desire to aid the railway, and stating in what way and for what amount, and the council shall within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters ;

2. In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders in each of the minor municipalities of the county, who are qualified voters under *The Consolidated Municipal Act, 1883* ;

3. In the case of other municipalities the petition shall be that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1883*, as aforesaid ;

4. In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality, or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

20. Such by-law shall in each instance provide :—

By-law, Provisions of.

1. For raising the amount petitioned for in the municipality or portion of the township municipality, (as the case may be,) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for the delivery of the said debentures, or the application of the amount to be raised thereby, as may be expressed in the said by-law ;

2. For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law, (as the case may be,) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half-yearly, which debentures the respective municipal councils, wardens, mayors, reeves, and other officers thereof, are hereby authorized and required to execute and issue in such cases respectively.

21. In case of aid from a county municipality, fifty resident freeholders of the county may petition the county council against submitting the said by-law, upon the ground that certain minor municipalities or portions thereof comprised in the said by-law, would be injuriously affected thereby, or upon any

Provisions for referring to arbitration disputes as to bonus by-laws.

other ground ought not to be included therein, and upon deposit by the petitioners with the treasurer of the county, of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitrators, one being the Judge of the County Court, one being the Registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the arbitrators, the expense shall be borne by the petitioners against the same; but if amended, then by the Railway Company or the county, as the arbitrators may order.

Minor municipality, meaning of.

22. The term "minor municipality" shall be construed to mean any town not separated from the municipal county, township, or incorporated village situate in the county municipality.

Deposit for expenses.

23. Before any such by-law is submitted, the Railway Company shall, if required, deposit with the treasurer of the municipality, a sum sufficient to pay the expenses to be incurred in submitting said by-law.

If by-law carried, council to pass same,

24. In case the by-law submitted be approved of and carried in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting, the municipal council which submitted the same shall read the said by-law a third time, and pass the same.

And issue debentures.

25. Within one month after the passing of such by-law, the said council and the mayor, warden, reeve, or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed, or to be appointed under this Act.

Levying rate on portions of municipality.

26. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality, the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of Municipal Act as to by-law.

27. The provisions of *The Consolidated Municipal Act, 1883*, and the amendments thereto, so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement.

28. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

29. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said Company, by resolution or by-law, to extend the time for the completion of the works, (on the completion of which the said Company would be entitled to such bonus), from time to time, provided that no such extension shall be for a longer period than one year at a time.

Extension of time for completion.

30. Any municipality or portion of a township municipality interested in the construction of the road of the said Company, may grant aid by way of bonus to the said Company towards the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof, beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Rate not exceeding three cents in the dollar valid.

Proviso.

31. It shall be lawful for the corporation of any municipality, through any part of which the railway of the said Company passes or is situated, by by-law expressly passed for that purpose, to exempt the Company and its property within such municipality, either in whole or in part, from municipal assessment or taxation, or to agree to a certain sum per annum or otherwise in gross, or by way of commutation or composition for payment, or in lieu of *all or any municipal rates or assessments to be imposed by such municipal corporation*, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

Exemption from taxation.

32. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said Company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes *connected with the running or traffic of the said railway*; and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of land.

33. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor, shall within six months after the passing of the by-law authorizing the same, be delivered to three trustees to be named, one by the Lieutenant-Governor-in-Council, one by the said Company, and one by the majority of the heads of the municipalities which have granted bonuses, or in case of only one municipality granting a bonus, then by the head of such municipality, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities, or head of the said municipality, shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the Company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case

Trustees of debentures.

the Company shall be at liberty to name such other trustee or trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. 5

Trusts of
proceeds of
debentures.

34. The said trustees shall receive the said debentures or bonds in trust, (firstly) under the directions of the Company, 10 but subject to the conditions of the by-law in relation thereto, as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the City of Toronto, in the name of "The Georgian Bay and Lake Huron Railway Municipal Trust Account," and to pay the same out to the said Company from time to time as the said Company becomes entitled thereto, under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in 15 the form set out in schedule "B," hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrong- 20 fully grant any such certificate, under a penalty of \$500, recoverable in any court of competent jurisdiction, by any person who may sue therefor. 25

Fees to
Trustees.

35. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of 30 such trustees shall be as valid and binding as if the three had agreed.

Power to
make and
endorse notes
and bills
without
affixing seal.

36. The said Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note made or 35 endorsed, or any such bill of exchange drawn, accepted or endorsed by the president or vice-president of the company, and countersigned by the secretary, treasurer, or other proper officer of the said Company, and under the authority of a quorum of the directors, shall be binding on the said Company; 40 and every such promissory note or bill of exchange so made, accepted or endorsed, shall be presumed to have been made, accepted or endorsed with proper authority, until the contrary be shewn; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note 45 or bill of exchange, nor shall the president or vice-president, or the secretary or treasurer, or other officer aforesaid, be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the board of directors, as herein provided and 50 enacted: provided, however, that nothing in this section shall be construed to authorize the said Company to issue any note or bill of exchange payable to bearer or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

37. Every shareholder of one or more shares of the said capital stock shall at any general meeting of the shareholders be entitled to one vote for every share so held. Scale of votes.

38. At all meetings of the shareholders of the Company, the stock held by municipal and other corporations may be represented by such persons as they shall respectively have appointed in that behalf by resolution under the seal of the corporation, and such persons shall at such meeting be entitled equally with other shareholders to vote by proxy; and no shareholder shall be entitled to vote on any matter whatever, unless all calls due on the stock held by such shareholder shall have been paid up at least one week before the day appointed for such meeting. Corporations, how represented.

39. Any meeting of the directors of the said Company regularly summoned, at which at least three of the directors shall be present, shall be competent and entitled to exercise and use all and every of the powers hereby vested in the said directors. Quorum of directors.

40. Calls on the subscribed capital of the said Company may be made by the directors for the time being, as they shall see fit: provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each subscriber, and at not less intervals than one month, ~~and~~ and notice of each call shall be given as provided in section 11 of this Act. Calls.

41. The said Company shall have power to make traffic and running arrangements, either or both, with the Wellington, Grey and Bruce Railway Company, the Grand Trunk Railway Company of Canada, the Georgian Bay and Lake Erie Railway Company, the Toronto, Grey and Bruce Railway Company, the Canadian Pacific Railway Company, and the Northern Railway Company of Canada, if lawfully empowered to enter into such arrangements, or for crossing, or connecting with the railways of the said Companies, or any of them, upon terms to be agreed upon. Agreements with other companies.

42. It shall and may be lawful for any municipality through which the said railway passes, and having jurisdiction in the premises, to pass a by-law or by-laws empowering the Company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession of or under the control of any joint stock company; and if such highway be either in the possession of or under the control of any joint stock company, then also with the assent of such company; and it shall and may be lawful for the Company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person, for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway. Right to use highways.

43. The said Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same Power to collect back-charges on goods.

lien for the amount thereof upon such goods or commodities, as the persons to whom such charges were originally due, had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

5

Power to erect
snow-fences.

44. The Company shall have the right, on and after the 15th day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of said railway, and to erect and maintain snow fences thereon, 10 subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law, in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the 1st day of April following.

15

Power to
mortgage
bonds.

45. The Company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds or debentures which, under the powers of *this Act* can be issued for the construction of the railway or otherwise

Payments in
bonds or stock
authorized in
certain cases.

46. The said provisional directors, or the elected directors, 20 may pay or agree to pay, in paid up stock or in the bonds of the said Company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant or rolling stock, and also, when sanctioned by a vote of the majority of shareholders present at any general meeting, for 25 the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional directors or not, and any 30 such agreements so made shall be binding on the Company.

Power to
purchase, etc.,
wharves, etc.

47. It shall and may be lawful for the Company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the Company, 35 wharves, piers, docks, water lots, water frontages, and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engine houses, sheds, wharves, docks, piers and other erections for the use of the 40 Company, and the steam and other vessels owned, worked or controlled by the Company, or any other steam or other vessels; and to collect wharfage, storage, and other charges for the use of the same; and also to erect, build, repair, and maintain all moles, piers, wharves and docks necessary and proper for the 45 protection of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen, and enlarge such works; and the said wharves, piers, and docks, water lots, water frontages, lands, elevators, storehouses, warehouses, 50 engine houses, sheds and other erections, or any thereof, or any portions thereof, in its discretion to sell, lease, or convey.

Power to
purchase and
work vessels

48. It shall and may be lawful for the Company to purchase, build, complete, fit out and charter, sell and dispose of,

work and control, and keep in repair, steam or other vessels, in connection from time to time to ply on lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

49. The said Company is hereby authorized and empowered to take and make the surveys and levels of the land through which the said railway is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor, so far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario*, and amendments thereto, with respect to "plans and surveys," by sections or portions less than the length of the whole railway authorized, of such length as the said Company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid, of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of *The Railway Act of Ontario*, and the amendments thereof applied to, included in, or incorporated with *this Act* shall apply and extend to any and each of such sections or portions of the said railway as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof, and of its whole course and direction, and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited according to the said clauses of the said *Railway Act of Ontario*, and the amendments thereof, with respect to "plans and surveys."

Power to construct railway in sections.

50. It shall be lawful for the said Company to have and keep a duplicate seal for the transaction of such of their business in the United Kingdom of Great Britain and Ireland as the board of directors of the said Company may from time to time designate, and the said seal may be used and affixed in all such cases by such officer or officers, agent or agents, as the said directors may by by-law from time to time direct, and any instrument to which the said duplicate seal shall be so affixed, shall be valid and binding upon the said Company.

Power to keep duplicate seal.

51. Whenever it shall be necessary for the purpose of procuring sufficient land for stations or gravel pits, or for constructing, maintaining, and using the said railway, and in case by purchasing the whole of any parcel or lot of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, or enjoy such lands, and also the right of way thereto if the same be separate from their railway, and may sell and convey the same or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to purchase whole lots.

Acquiring
gravel etc.,
for construc-
tion and main-
tenance of
railway.

52. When stone, gravel, earth, or sand is or are required for the construction or maintenance of said railway, or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situated for the purchase thereof, cause a provincial surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration, as in the case of *acquiring the* roadway, and the notice of arbitration, the award and tender of compensation shall have the same effect as in case of arbitration for the roadway ; and all the provisions of *The Railway Act of Ontario* and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section as to the obtaining of materials as aforesaid, and such proceedings may be had by the said company either for the right to the fee simple in the land from which said material shall be taken, or for the right to take materials for any time they shall think necessary, the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Sidings to
gravel pits.

53—(1) When said gravel, sand, stone, or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the Company may lay down the necessary sidings and tracks over any land which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario and of this Act*, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated ; and such right may be so acquired for a term of years, or permanently as the Company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway ;

(2) When estimating the damages for the taking of gravel stone or sand, sub-section 8 of section 20 of *The Railway Act of Ontario*, shall not apply.

Commence-
ment and
completion of
railway.

54. The construction of the said railway shall be commenced within *two* years, and the same shall be completed within *four* years, after the passing of this Act.

SCHEDULE A.

(See Section 6.)

Know all men by these presents that I (or we) (*insert the name of the vendors*), in consideration of _____ dollars paid to me (or us) by The Georgian Bay and Lake Huron Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said Company, and I (or we) [*insert the name of any other party or parties*] in con-

sideration of dollars paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*) the same having been selected and laid out by the said Company for the purposes of their railway, to hold with the appurtenances unto the said Georgian Bay and Lake Huron Railway Company, their successors and assigns (*here insert any other clauses covenants or conditions required*) and I (or we) the wife (or wives) of the said , do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of A.D. 18

Signed, sealed and delivered }
in the presence of } [L. S.]

SCHEDULE B.

(Section 34).

CHIEF ENGINEER'S CERTIFICATE.

THE GEORGIAN BAY AND LAKE HURON
RAILWAY COMPANY'S OFFICE,

No. Engineer's Department, A D. 188 .

Certificate to be attached to cheques drawn on "The Georgian Bay and Lake Huron Railway Company Municipal Trust Account," given under section , chapter , of the Acts of the Legislature of Ontario, passed in the year of Her Majesty's reign.

I, A. B., Chief Engineer of the Georgian Bay and Lake Huron Railway Company, do hereby certify that the said Company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the township of (or under the agreement dated the day of between the corporation of and the said Company) to entitle the said Company to receive from the said trust the sum of (*here set out the terms and conditions, if any, which have been fulfilled.*)

No. 20.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to incorporate The Georgian Bay
and Lake Huron Railway Company.

*(Reprinted as amended by Railway
Committee.)*

First Reading, 11th February, 1886.

(Private Bill.)

Mr. BADGEROW.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act Respecting a Certain Agreement between the
City of Brantford and the Grand Trunk Railway
Company.

WHEREAS a certain agreement dated the thirtieth day of September, in the year of our Lord 1885, was entered into between the Grand Trunk Railway Company of Canada, and the corporation of the City of Brantford (which agreement forms the schedule of this Act), for the purposes in said agreement specified; and whereas the said company have paid the sum of money in the said agreement mentioned, and desire to remove all doubt which may be raised as to the validity of the said agreement; and whereas the said company have by their petition prayed that an Act may be passed confirming the said agreement, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The agreement set out in the schedule to this Act is hereby declared legal, valid and binding to all intents, and for all purposes as if set out at length in this Act. Agreement in schedule confirmed.

SCHEDULE.

This agreement made this thirtieth day of September, in the year of our Lord one thousand eight hundred and eighty-five,

BY AND BETWEEN :

THE CORPORATION OF THE CITY OF BRANTFORD

of the first part, and

THE GRAND TRUNK RAILWAY COMPANY OF CANADA

of the second part.

Whereas the said party of the first part have complained that water flows along a part of the line of railway of the party of the second part, between Paris and the said City of Brantford, and is by the ditches of the party of the second part thrown on to the Paris road, and then on to certain streets

of the said city, causing to the city great inconvenience and injury; and whereas the party of the second part have offered the party of the first part the sum of \$4,000, if they, the said party of the first part, will by some efficient means, and in some efficient and proper manner as may be deemed best, catch and take off all water so coming down the said ditches of the party of the second part from the direction aforesaid, and hereafter will well and efficiently keep and maintain the said means of escape for said water, so that no further claims will be made at any time hereafter by the said corporation or any other party or persons in respect thereof.

Therefore this agreement witnesseth:

1. That in this agreement the words "the corporation" shall mean and shall be taken and held to mean the party hereto of the first part, and the words "the company" shall mean and shall be taken and held to mean the party hereto of the second part.

2. That in consideration of the said sum of \$4,000 to be paid by the company to the corporation, the corporation covenant and agree with the company, that they will by some good and efficient means, and in a good, efficient and proper manner, and at their own cost, take, catch and lead away all the water which at any time, and from time to time hereafter, may run down the company's railway or the ditches thereof from the direction of Paris to the said Paris road and the said City of Brantford; that the said water shall be intercepted at the point where the said company's railway crosses the Paris road, in or adjoining the said City of Brantford, or such other point as may, before the work is commenced, be approved by the company's engineer.

3. That the water shall be so taken away that the said water at any and all times hereafter flowing down said railway towards said intersection of the railway with said Paris road shall do no injury to public or private property, and that such shall continue to be the case for all time hereafter.

4. That against all claims by reason of water flowing down from the said part of the company's railway towards said intersection of said Paris road from the direction of Paris aforesaid, and into or upon any street or property below the intersection, or at said intersection of said Paris road with the company's said railway, the said the corporation of the City of Brantford will indemnify and save harmless, and warrant and defend the company in all respects.

5. It is further agreed that on the execution of this agreement, and the interchange thereof by the said parties, the company will, as the consideration in full for said indemnity and performance of the work above mentioned, pay to the said corporation the sum of \$4,000.

6. It is also agreed that in case the company so desire, the corporation will by all lawful means in their power, assist in getting from the Legislature of Ontario an Act to confirm in all respects this agreement, and that the said application may be made when, and from time to time, until obtained as the

company may desire, and that they will bear and pay one half of the expenses incurred in obtaining said Act, the company paying the other half. In witness whereof the said parties hereto have hereunto affixed their corporate seal, on the day and year first above written.

Signed, sealed and delivered }
in presence of }

The Corporation of the City
of Brantford,

By

Mayor.

Clerk.

No. 21.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting a certain Agreement
between the City of Brantford and the
Grand Trunk Railway Company.

First Reading,	1886.
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(Private Bill.)

Mr. FERRIS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to incorporate the London and South-Eastern
Railway Company.

WHEREAS it is of vital importance to the City of London Preamble.
that a railway should be constructed from some point
in said city to Springfield or some point on the Canada South-
ern Railway east of St. Thomas, intersecting the Credit Valley
5 Railway at or near Belmont, or from some point in the City
of London to Kingsmill or some other point on the Canada
Southern Railway east of St. Thomas, intersecting the Credit Valley
Railway at or near Belmont, and thence to some point on the
Grand Trunk Railway at or near Aylmer in the County of
10 Elgin; and whereas Charles S. Hyman, John Labatt, John
Campbell, T. McCormick, J. W. Little, Benjamin Cronyn,
M. Masuret, W. J. Reid, Charles Murray, John Marshall, C. B.
Hunt, J. D. Saunby, J. B. Laing, John Bland, and others, have
petitioned that an Act may be passed authorizing the construc-
15 tion of the said railway; and whereas it is expedient to grant
the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

20 1. Charles S. Hyman, John Labatt, John Campbell, T. McCormick, J. W. Little, Benjamin Cronyn, M. Masuret, W. J.
Reid, Charles Murray, John Marshall, C. B. Hunt, J. D. Saunby,
J. B. Laing and John Bland, with such other persons and corpor-
ations as shall in pursuance of this Act become shareholders in
25 the company hereby incorporated, shall be and are hereby con-
stituted a body corporate and politic by and under the name
of "The London and South-Eastern Railway Company." Incorporation.

2. The said company shall have full power and authority Location of
under this Act to construct a railway from some point in the line.
30 City of London to Springfield, or some point on the Canada
Southern Railway east of St. Thomas, intersecting the Credit
Valley Railway at or near Belmont, or from some point in the
City of London to Kingsmill, or on some point on the Canada
Southern Railway east of St. Thomas, intersecting the Credit
35 Valley Railway at or near Belmont, and thence to some point
on the Grand Trunk Railway at or near Belmont in the County
of Elgin.

3. The gauge of the said railway shall be four feet eight Gauge.
and one-half inches.

Provisional
Directors.
(Quorum.

4. The persons named in section 1 of this Act, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

5

Powers of
Provisional
Directors.

5. The said board of provisional directors shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and 10 recover the same; and to cause plans and surveys to be made, and to deposit in any chartered bank of Canada, having an office in the Province of Ontario, all moneys received by them on account of stock subscribed, and to withdraw the same for the purposes of the undertaking, and to receive for the com- 15 pany any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; the said 20 directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing from stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the 25 provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the under- 30 taking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of London, or at such 35 other place as may best suit the interest of the said company.

Meetings.

Form of conveyance.

6. Conveyances of lands to the said company for the purposes of this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of 40 the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more 45 than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscription
for stock.

7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be 50 approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Bonuses, etc.,
to company.

8. The said company may receive, either from any government, or from any persons or bodies corporate, municipal or 55

politic, who may have power to make or grant the same, bonuses, loans, or gifts of money or securities for money, in aid of the construction, equipment or maintenance of the said railway.

- 5 **9.** The capital of the company hereby incorporated shall be Capital stock.
 \$300,000 (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into three thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such
 10 company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money
 15 shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act; and until such preliminary expenses shall be paid out of such capital stock, the municipal corporation of any
 20 lution, of which seven days' previous notice shall have been given and passed by a majority of the said municipal corporation, authorize the treasurer of such municipality to pay out of the general funds of such municipality its fair proportion of such preliminary expenses which shall thereafter, if such
 25 municipality shall so require, be refunded to such municipality from the capital stock of the said company, or be allowed to it in payment of stock.

Municipal aid for preliminary expenses.

- 10.** When and as soon as shares to the amount of \$30,000
 in the capital stock of the said company shall have been sub-
 30 scribed, and ten per centum paid thereon, the said provisional directors or a majority of them shall call a general meeting of the shareholders, for the purpose of electing directors of the said company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers
 35 published in the City of London, in the said County of Middlesex, of the time, place and purpose of said meeting.

First meeting for election of directors.

- 11.** At such general meeting the shareholders present, who shall have paid up ten per centum on their shares, with such proxies as may be present, shall elect not less than five, and not
 40 more than seven persons as hereinafter mentioned, to be directors of the said company (of whom a majority shall be a quorum), and may also pass such rules, regulations and by-laws as may be deemed expedient, provided they be not inconsistent with this Act and *The Railway Act of Ontario*.

Election of directors. Quorum.

- 45 **12.** No person shall be qualified to be elected as such director by the shareholders unless he is a shareholder holding at least ten shares of stock in the said company, and unless he has paid up all calls thereon.

Qualification of directors.

- 13.** The directors may from time to time make calls as they
 50 shall think fit, provided that no calls shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 10 of this Act.

Calls on stock.

Payment of
certain ex-
penses autho-
rized.

14. The provisional directors or the elected directors may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company.

Annual
meeting.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the City of London, or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the City of London during the four weeks preceding the week in which such meeting is to be held.

Special
meetings.

16. Special general meetings of the shareholders of said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from mu-
nicipalities.

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, and free water, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Provisions
as to bonus
by-laws.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1883*;

(3) In the case of other municipalities the petition shall be

that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act*, 1883, as aforesaid;

(4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

- 10 **19.** Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the municipality or por- By-law, what
tion of the township municipality (as the case may be) men- to contain.
15 the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law; (2) For assessing and levying upon all ratable prop-
erty lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an
20 annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and
25 issue in such cases respectively.

- 20.** In case of aid from a county municipality, fifty resi- Provisions for
dent freeholders of the county may petition the county council referring to
against submitting the said by-law upon the ground that cer- arbitration
tain minor municipalities or portions thereof comprised in the disputes as to
30 said by-law would be injuriously affected thereby, or upon any bonus by-laws.
other ground ought not to be included therein, and upon de-
posit by the petitioners with the treasurer of the county of a
sum sufficient to defray the expense of such reference, the said
council shall forthwith refer the said petition to three arbitra-
35 tors, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the
Commissioner of Public Works for Ontario, who shall have
power to confirm or amend the said by-law by excluding any
40 minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly
qualified voters, and in case the by-law is confirmed by the
45 arbitrators the expense of the reference shall be borne by the petitioners against the same; but if amended, then by the railway company, or the county as the arbitrators may order.

- 21.** The term "minor municipality" shall be construed to "Minor muni-
mean any town not separated from the municipal county, cipality,"
50 township or incorporated village situate in the county meaning of.
municipality.

- 22.** Before any such by-law is submitted the railway com- Deposit for
pany shall, if required, deposit with the treasurer of the muni- expenses.
cipality a sum sufficient to pay the expenses to be incurred in
55 submitting said by-law.

If by-law carried, council to pass same:

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

5

And issue debentures.

24. Within one month after the passing of such by-law, the said council and the mayor, warden, reeve, or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed, or to be appointed, under this Act.

Levying rate on portions of municipality.

25. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of Municipal Act as to by-laws.

26. The provisions of *The Consolidated Municipal Act* 1883, and the amendments thereto so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement.

27. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Extension of time for completion.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time.

Rate not exceeding three cents in the dollar valid.

29. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Proviso.

Exemption from municipal taxation.

30. It shall be lawful for the corporation of any municipality through any part of which the railway of the said company passes, or in which it is situate, by by-law specially passed for that purpose, to exempt the said company and its property, within such municipality, either in whole or in part from municipal assessment or taxation and water rates, or to agree to a certain sum per annum or otherwise in gross, by way of commutation or composition for payment, or in lieu

of all or any municipal rates or assessments and water rates to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed unless in conformity with a condition contained therein.

31. Any municipality through which the said railway may pass or is situate, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the said company.

Grants of lands.

32. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way there- to, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring lands for stations, gravel pits, etc.

33. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc., for construction and maintenance of railway.

34.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions

Sidings to gravel pits, etc.

of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway; 5 10

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

Trustees of
debentures.

35. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council. 15 20 25 30 35

Trusts of
proceeds of
debentures.

36. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The London and South-Eastern Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 recoverable in any court of competent jurisdiction by any person who may sue therefor. 40 45 50 55

37. The trustees shall be entitled to their reasonable fees ^{Fees to} and charges from said trust fund, and the act of any two of ^{trustees.} such trustees shall be as valid and binding as if the three had agreed.

- 38.** The directors of the said company, after the sanction of ^{Bonds.} the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company and countersigned by the secretary, ¹⁰ and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the com- ¹⁵ pany, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the under- taking and property of the company as aforesaid: Provided, ²⁰ however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$10,000 per mile; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall ²⁵ have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders, provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the ³⁰ secretary of the company to register the same on being required to do so by any holder thereof. ^{Proviso.} ^{Proviso.} ^{Proviso.}

- 39.** All such bonds, debentures, and other securities and coupons and interest warrants thereon respectively may be ^{Form of} made payable to bearer and transferable by delivery, and any ^{bonds.} holder of any such so made payable to bearer may sue at law thereon in his own name. ³⁵

- 40.** The said company shall have power and authority to ^{Bills and} become parties to promissory notes, and bills of exchange for ^{notes.} sums of not less than \$100, and any such promissory note or ⁴⁰ bill made, accepted, or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be ⁴⁵ presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless ⁵⁰ the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this section shall be construed to authorize the said company to ^{Proviso.} issue any promissory note or bill of exchange payable to bearer, ⁵⁵ or intended be circulated as money, or as the notes or bills of a bank.

Mortgaging
bonds for
advances.

41. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

Agreements
for use of roll-
ing stock, etc.

42. It shall be lawful for the directors of the company to 5 enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms 10 as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensa- 15 tion and otherwise as may be agreed upon.

Agreements
with other
companies.

43. It shall be lawful for the company to enter into any agreement with any other railway company or companies, if lawfully empowered to enter into such agreement, for the construction, leasing, or working of the said railway, or any part 20 thereof, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company any portion of their railway, or the use thereof, and generally to make any agreement or agreements 25 with either of the said companies if so lawfully authorized, touching the use by one or the other, or by both companies, of the railway or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any 30 such agreement shall be valid and binding according to the terms and tenor thereof, and the company leasing or entering into such agreement for using the said line may and is hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with its own line, and to exer- 35 cise, so far as the same are applicable, all the rights, powers, and privileges by this Act conferred: Provided that every such lease or agreement shall be first sanctioned at a general meeting called for the purpose of considering the same, according to the by-laws of the company and the provisions of this 40 Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province. 45

Proviso.

Telegraph
lines.

44. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line the powers conferred upon telegraph companies by *The Act respecting Electric Telegraph Companies* (being chapter 50 151 of the Revised Statutes of Ontario) are hereby conferred upon the said company.

Aliens may be
shareholders
and directors.

45. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in 55

this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

46. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

Transfer of shares.

47. The company shall have full power to purchase land for and erect warehouses, elevators, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose.

Power to erect warehouses.

48. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Collection of back charges.

49. Notwithstanding the provisions of section 7 of the Act passed in the 35th year of Her Majesty's reign, chaptered 75, and intituled *An Act respecting the Debt of the City of London*, or of any other Act, it shall be lawful for the municipal council of the corporation of the City of London to pass a by-law for borrowing upon the credit of the said corporation a sum not exceeding \$75,000, and granting the said sum as a bonus to said railway company.

Corporation of the City of London authorized to borrow \$75,000, notwithstanding 35 Vic. cap. 75, s. 7.

50. The said corporation may issue debentures under the corporation seal, signed by the mayor and countersigned by the treasurer of the said city for the time being, for such sums as shall be authorized by any by-law or by-laws passed under the authority of this Act as hereinbefore mentioned, and not exceeding in the whole the said sum of \$75,000, and the principal sum secured by such debentures and the interest accruing thereon may be made payable in sterling money of Great Britain or in such other currency as may seem best, and in the Province or in Great Britain or elsewhere as to the said council may seem expedient.

Power to said corporation to issue debentures to an amount not exceeding \$75,000.

51. The debentures to be issued as aforesaid shall be made payable not less than twenty nor more than thirty years from the date thereof as the said council may direct, and the interest thereon at a rate not exceeding six per cent. per annum may be made payable half-yearly, and coupons for the payment thereof may be attached to the said debentures.

Time debentures to be payable and rate of interest.

52. No irregularity in the form of the said debentures or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

Irregularities not to invalidate debentures.

Assent of
electors not
required.

53. The by-law provided for by this Act shall not require to be submitted to or to receive the assent of the electors of the said city before the final passing thereof, but the other provisions of *The Consolidated Municipal Act, 1883*, shall apply thereto.

5

Commence-
ment and com-
pletion of rail-
way.

54. The said railway shall be commenced within three years and completed within seven years from the passing of this Act.

SCHEDULE A.

(Section 6.)

Know all men by these presents, that I (or we) [*insert the name of the vendors*] in consideration of dollars paid to me (or us) by the "London and South Eastern Railway Company," the receipt whereof is hereby acknowledged, do grant and convey unto the said company and I (or we) in consideration of dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant or release all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said "London and South-Eastern Railway Company," their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (or we) the wife (or wives) of the said

do hereby bar my (or our) dower in the said lands

As witness my (or our) hand and seal (or hands and seals) this day of , A. D. 188 .

Signed, sealed and delivered } [L.S.]
in the presence of }

SCHEDULE B.

(Section 36.)

Chief Engineer's Certificate.

THE LONDON AND SOUTH-EASTERN RAILWAY COMPANY'S
OFFICE.

No. *Engineer's Department.* A.D. 188

Certificate to be attached to cheques drawn on the London and South-Eastern Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the 49th year of Her Majesty's reign.

I, A.B., Chief Engineer of the London and South-Eastern Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of
[here set out the terms and conditions, if any, which have been fulfilled].

No. 22.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to incorporate The London and
South-Eastern Railway Company.

First Reading,	1886.
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(Private Bill.)

Mr. MEREDITH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to Incorporate the London and South-Eastern
Railway Company.

WHEREAS it is of vital importance to the City of London Preamble.
that a railway should be constructed from some point
in said city to Springfield or some point on the Canada South-
ern Railway east of St. Thomas, intersecting the Credit Valley
5 Railway at or near Belmont, or from some point in the City
of London to Kingsmill or some other point on the Canada
Southern east of St. Thomas, intersecting the Credit Valley
Railway at or near Belmont, and thence to some point on the
Grand Trunk Railway at or near Aylmer in the County of
10 Elgin; and whereas Charles S. Hyman, John Labatt, John
Campbell, T. McCormick, J. W. Little, Benjamin Cronyn,
M. Masuret, W. J. Reid, Charles Murray, John Marshall, C. B.
Hunt, J. D. Saunby, J. B. Laing, John Bland, and others, have
petitioned that an Act may be passed authorizing the construc-
15 tion of the said railway; and whereas it is expedient to grant
the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

20 1. Charles S. Hyman, John Labatt, John Campbell, T. McCormick, J. W. Little, Benjamin Cronyn, M. Masuret, W. J.
Reid, Charles Murray, John Marshall, C. B. Hunt, J. D. Saunby,
J. B. Laing and John Bland, with such other persons and corpora-
tions as shall in pursuance of this Act become shareholders in
25 the company hereby incorporated, shall be and are hereby con-
stituted a body corporate and politic by and under the name
of "The London and South-Eastern Railway Company." Incorporation.

2. The said company shall have full power and authority Location of line.
under this Act to construct a railway from some point in the
30 City of London to Springfield, or some point on the Canada
Southern Railway east of St. Thomas, intersecting the Credit
Valley Railway at or near Belmont, or from some point in the
City of London to Kingsmill, or some point on the Canada
Southern Railway east of St. Thomas, intersecting the Credit
35 Valley Railway at or near Belmont, and thence to some point
on the Grand Trunk Railway at or near Aylmer, in the County
of Elgin.

3. The gauge of the said railway shall be four feet eight Gauge.
and one-half inches.

Provisional
Directors.
Quorum.

4. The persons named in section 1 of this Act, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

5

Powers of
Provisional
Directors.

5. The said board of provisional directors shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of London, or at such other place as may best suit the interest of the said company.

Meetings.

Form of conveyance.

6. Conveyances of lands to the said company for the purposes of *and powers given by* this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

45

When subscription for stock to bind company.


7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

50



Bonuses, etc., to company.

8. The said company may receive, either from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, paid towards the construction, equipment and maintenance of the said railway by way of gift, bonus or loan of money, or

55

debentures or other security for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. 

9. The capital of the company hereby incorporated shall be Capital stock.
 \$300,000 (with power to increase the same in the manner pro-
 5 vided by *The Railway Act of Ontario*), to be divided into
 three thousand shares of \$100 each, and shall be raised by the
 persons and corporations who may become shareholders in such
 company; and the money so raised shall be applied, in the
 first place, to the payment of all fees, expenses and disburse-
 10 ments of and incidental to the passing of this Act, and for
 making the surveys, plans and estimates connected with the
 works hereby authorized; and the remainder of said money
 shall be applied to the making, equipping, completing and
 maintaining of the said railway, and to the other purposes of
 15 this Act; and until such preliminary expenses shall be paid
 out of such capital stock, the municipal corporation of any Municipal aid
for prelimin-
ary expenses.
 municipality on or near the line of such works may, by reso-
 lution, of which seven days' previous notice shall have been
 given and passed by a majority of the said municipal corpora-
 20 tion, authorize the treasurer of such municipality to pay out of
 the general funds of such municipality its fair proportion of
 such preliminary expenses which shall thereafter, if such
 municipality shall so require, be refunded to such municipality
 from the capital stock of the said company, or be allowed to
 25 it in payment of stock.

10. When and as soon as shares to the amount of \$30,000 First meeting
for election of
directors.
 in the capital stock of the said company shall have been sub-
 scribed, and ten per centum paid thereon  into some chart-
 30 ered bank of the Dominion having an office in the Province of
 Ontario, to the credit of the company, and which shall on no
 account be withdrawn therefrom, unless for the services of
 the company.  the said provisional directors or a majority of
 them shall call a general meeting of the shareholders, for the
 purpose of electing directors of the said company, giving at
 35 least four weeks' notice by advertisement in the *Ontario
 Gazette*, and in one or more newspapers published in the
 City of London, in the said County of Middlesex, of the time,
 place and purpose of said meeting.

11. At such general meeting the shareholders present, who Election of
directors.
Quorum.
 40 shall have paid up ten per centum on their shares, with such
 proxies as may be present, shall elect not less than five, and not
 more than seven persons as hereinafter mentioned, to be directors
 of the said company (of whom a majority shall be a quorum),
 and may also pass such rules, regulations and by-laws as may
 45 be deemed expedient, provided they be not inconsistent with
 this Act and *The Railway Act of Ontario*.

12. No person shall be qualified to be elected as such Qualification
of directors.
 director by the shareholders unless he is a shareholder holding
 at least ten shares of stock in the said company, and unless he
 50 has paid up all calls thereon.

13. The directors may from time to time make calls as they Calls on stock.
 shall think fit, provided that no calls shall be made at any one
 time of more than ten per centum of the amount subscribed
 by each shareholder, and thirty days' notice shall be given of
 55 each call as provided in section 10 of this Act.

Payment of
certain ex-
penses autho-
rized.

14. The provisional directors or the elected directors may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company.

Annual
meeting.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the City of London, or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the City of London during the four weeks preceding the week in which such meeting is to be held.

Special
meetings.

16. Special general meetings of the shareholders of said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from mu-
nicipalities.

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Provisions
as to bonus
by-laws.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1883*;

(3) In the case of other municipalities the petition shall be

that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1883*, as aforesaid;

- (4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

- 10 **19.** Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the municipality or por-
 15 tion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for
 20 the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said by-law; (2) For assessing and levying upon all ratable prop-
 25 erty lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and issue in such cases respectively.

- 20.** In case of aid from a county municipality, fifty resi-
 dent freeholders of the county may petition the county council against submitting the said by-law upon the ground that cer-
 30 tain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any other ground ought not to be included therein, and upon de-
 35 posit by the petitioners with the treasurer of the county of a sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitra-
 40 tors, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any
 45 minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly qualified voters, and in case the by-law is confirmed by the
 50 arbitrators the expense of the reference shall be borne by the petitioners against the same; but if amended, then by the railway company, or the county as the arbitrators may order.

- 21.** The term "minor municipality" shall be construed to mean any town not separated from the municipal county,
 50 township or incorporated village situate in the county municipality.

- 22.** Before any such by-law is submitted the railway com-
 55 pany shall, if required, deposit with the treasurer of the municipality a sum sufficient to pay the expenses to be incurred in submitting said by-law.

By-law, what to contain.

Provisions for referring to arbitration disputes as to bonus by-laws.

"Minor municipality," meaning of.

Deposit for expenses.

If by-law carried, council to pass same:

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same. 5

And issue debentures.

24. Within one month after the passing of such by-law, the said council and the mayor, warden, reeve, or other head, or other officers thereof, shall issue or dispose of the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed, or to be appointed, under this Act. 10

Levying rate on portions of municipality.

25. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality. 15

Application of Municipal Act as to by-laws.

26. The provisions of *The Consolidated Municipal Act 1883*, and the amendments thereto so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality. 20

Extension of time for commencement.

27. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year. 25

Extension of time for completion.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time. 30 35

Rate not exceeding three cents in the dollar valid.

29. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein. 40

Proviso.

Grants of lands.

30. Any municipality through which the said railway may pass, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and 45 50

shall have power to sell or otherwise dispose of the same for the benefit of the said company.

31. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring lands for stations, gravel pits, etc.

32. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc., for construction and maintenance of railway.

33.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

Sidings to gravel pits, etc.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

Trustees of
debentures.

34. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of
proceeds of
debentures.

35. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The London and South-Eastern Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to
trustees.

36. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Bonds.

37. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the com-

pany, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the undertaking and property of the company as aforesaid: Provided, Proviso. however, that the whole amount of such issue of bonds shall not exceed in all the sum of \$10,000 per mile; and provided that Proviso. in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the said company, all holders of bonds shall have and possess the same rights, privileges and qualifications for directors and for voting as are attached to shareholders, provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided Proviso. for the registration of shares, and it shall be the duty of the secretary of the company to register the same on being required to do so by any holder thereof.

38. All such bonds, debentures, and other securities and coupons and interest warrants thereon respectively may be Form of bonds. made payable to bearer and transferable by delivery, and any holder of any such *securities* so made payable to bearer may sue at law thereon in his own name.

39. The said company shall have power and authority to become parties to promissory notes, and bills of exchange for Bills and notes. sums of not less than \$100, and any such promissory note or bill made, accepted, or endorsed by the president or vice-president of the company and countersigned by the secretary of the said company and under the authority of a quorum of the directors, shall be binding on the said company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shown, and in no case shall it be necessary to have the seal of the said company affixed to such promissory note or bill of exchange, nor shall the president, vice-president or the secretary be individually responsible for the same unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided, however, that nothing in this Proviso. section shall be construed to authorize the said company to issue any promissory note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

40. The said company may from time to time, for advances of money to be made thereon, mortgage or pledge any bonds Mortgaging bonds for advances. which they may be enabled, under the powers of this Act, to issue for the construction of the said railway.

41. It shall be lawful for the directors of the company to enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person or persons, for the leasing, hiring, or use of any locomotives, carriages, rolling stock and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use by one or more of such contracting companies of the

locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Agreements
with other
companies.

42. It shall be lawful for the company to enter into any agreement with the West Ontario Pacific Railway Company, the Credit Valley Railway Company, the Canadian Pacific Railway Company, the Canada Southern Railway Company, or the London and Port Stanley Railway Company, if lawfully empowered to enter into such agreement, for the construction, leasing, or working of the said railway, or any part thereof, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company any portion of their railway, or the use thereof, and generally to make any agreement or agreements with either of the said companies if so lawfully authorized, touching the use by one or the other, or by both companies, of the railway or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company leasing or entering into such agreement for using the said line may and is hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers, and privileges by this Act conferred: Provided that every such lease or agreement shall be first sanctioned at a *special* general meeting called for the purpose of considering the same, according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

Telegraph
lines.

43. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line the powers conferred upon telegraph companies by *The Act respecting Electric Telegraph Companies* (being chapter 151 of the Revised Statutes of Ontario) are hereby conferred upon the said company.

Aliens may be
shareholders
and directors.

44. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.

Transfer of
shares.

45. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.

46. The company shall have full power to purchase land for and erect warehouses, elevators, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose. Power to erect warehouses.

5 47. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities Collection of back charges.
10 as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

48. Notwithstanding the provisions of section 7 of the Act passed in the 35th year of Her Majesty's reign, chaptered 75, and Corporation the City of London authorized to borrow \$75,000, notwithstanding 35 Vic. cap. 75, s. 7.
15 intituled *An Act respecting the Debt of the City of London*, or of any other Act, it shall be lawful for the municipal council of the corporation of the City of London to pass a by-law for borrowing upon the credit of the said corporation a sum not exceeding \$75,000, and granting the said sum as a bonus or
20 loan, or part bonus and part loan, to said railway company.

49. The said corporation may issue debentures under the corporation seal, signed by the mayor and countersigned by the treasurer of the said city for the time being, for such sums as shall be authorized by any by-law or by-laws passed under the Power to said corporation to issue debentures to an amount not exceeding \$75,000.
25 authority of this Act as hereinbefore mentioned, and not exceeding in the whole the said sum of \$75,000, and the principal sum secured by such debentures and the interest accruing thereon may be made payable in sterling money of Great Britain or in such other currency as may seem best, and in the
30 Province or in Great Britain or elsewhere as to the said council may seem expedient.

50. The debentures to be issued as aforesaid shall be made payable not less than twenty nor more than thirty years from the date thereof as the said council may direct, and the interest Time debentures to be payable and rate of interest.
35 thereon at a rate not exceeding six per cent. per annum may be made payable half-yearly, and coupons for the payment thereof may be attached to the said debentures.

51. No irregularity in the form of the said debentures or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or be allowed as a defence to any action Irregularities not to invalidate debentures.
40 brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

52. The by-law provided for by this Act shall not require Assent of electors not required.
45 to be submitted to or to receive the assent of the electors of the said city before the final passing thereof, but the other provisions of *The Consolidated Municipal Act, 1883*, shall apply thereto.

53. If the Corporation of the City of London shall, under Corporation may take security from company.
50 the powers conferred by this Act, lend to the said company the said sum of \$75,000, or any part thereof, it may take security therefor upon the undertaking and the real and personal

property of the company, or such part thereof as may be agreed on; and such security shall have priority over the bonds of the company hereby authorized to be issued.

Exemption of property of G. T. R. from assessment for bonus.

54. All property owned, used or occupied by the Grand Trunk Railway Company of Canada for the purposes of their railway, shall not, nor shall any part thereof be assessed or charged for, or in respect of any bonus, loan or aid, granted to the company hereby incorporated under the authority of this Act, and all such property so owned, used or occupied by the said, the Grand Trunk Railway Company of Canada, shall be exempt from taxation for, or on account of any bonus, loan or aid so granted.

Limit of exemption.

55. The exemption from taxation provided for by the next preceding section shall, in case the aid be given by making a loan under the authority of this Act, extend only to the sum by which the rate levied to meet the principal and interest of the loan shall exceed the interest or other revenue received by the said corporation for or by reason of such loan, and applied towards meeting the expenditure of the year.

Act to be void in certain events.

56. If at any time within three months after the passing of this Act an agreement shall be come to between the Canada Southern Railway Company, the London and Port Stanley Railway Company, and the Grand Trunk Railway Company of Canada, with the approval of the Municipal Council of the Corporation of the City of London, respecting the use and working of the London and Port Stanley Railway, or that part of it lying north of the City of St. Thomas, and a certificate that such agreement has been made, signed by the mayor of the said City of London, and under its corporate seal, shall, within the said period, be filed in the office of the Secretary of this Province, then and in that case this Act shall be null and void and not to be acted on as to the whole of the railway hereby authorized to be constructed, except so much thereof as lies between some point in the said City of London at or near the line of the London and Port Stanley Railway, and such other point or points in the said City of London as the said company may select as the *termini* of its line.

Commencement and completion of railway.

57. The said railway shall be commenced within three years and completed within seven years from the passing of this Act.

SCHEDULE A.

(Section 6.)

Know all men by these presents, that I (or we) [*insert the name of the vendors*] in consideration of dollars paid to me (or us) by the London and South-Eastern Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company and I (or we) [*insert the name of any other party or parties*] in consideration of dollars, paid to me (or us) by the said company, the receipt whereof is, hereby

acknowledged, do grant or release all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said London and South-Eastern Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (or we) the wife (or wives) of the said

do hereby bar my (or our) dower in the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of , A. D. 188 .

Signed, sealed and delivered } [L.S.]
in the presence of }

SCHEDULE B.

(Section 35.)

Chief Engineer's Certificate.

THE LONDON AND SOUTH-EASTERN RAILWAY COMPANY'S
OFFICE.

No. *Engineer's Department.* A.D. 188

Certificate to be attached to cheques drawn on the London and South-Eastern Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the 49th year of Her Majesty's reign. .

I, A.B., Chief Engineer of the London and South-Eastern Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of [*here set out the terms and conditions, if any, which have been fulfilled*].

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to Incorporate The London and
South-Eastern Railway Company.

*(Reprinted as amended by Railway Com-
mittee.)*

First Reading, 10th February, 1886.

(Private Bill.)

MR. MEREDITH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the London and South-Eastern
Railway Company.

WHEREAS it is of vital importance to the City of London Preamble.
that a railway should be constructed from some point
in said city to Springfield or some point on the Canada South-
ern Railway east of St. Thomas, intersecting the Credit Valley
5 Railway at or near Belmont, or from some point in the City
of London to Kingsmill or some other point on the Canada
Southern east of St. Thomas, intersecting the Credit Valley
Railway at or near Belmont, and thence to some point on the
Grand Trunk Railway at or near Aylmer in the County of
10 Elgin; and whereas Charles S. Hyman, John Labatt, John
Campbell, T. McCormick, J. W. Little, Benjamin Cronyn,
M. Masuret, W. J. Reid, Charles Murray, John Marshall, C. B.
Hunt, J. D. Saunby, J. B. Laing, John Bland, and others, have
petitioned that an Act may be passed authorizing the construc-
15 tion of the said railway; and whereas it is expedient to grant
the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

20 1. Charles S. Hyman, John Labatt, John Campbell, T. McCormick, J. W. Little, Benjamin Cronyn, M. Masuret, W. J.
Reid, Charles Murray, John Marshall, C. B. Hunt, J. D. Saunby,
J. B. Laing and John Bland, with such other persons and corpor- Incorporation.
ations as shall in pursuance of this Act become shareholders in
25 the company hereby incorporated, shall be and are hereby con-
stituted a body corporate and politic by and under the name
of "The London and South-Eastern Railway Company."

2. The said company shall have full power and authority Location of
under this Act to construct a railway from some point in the line.
30 City of London to Springfield, or some point on the Canada
Southern Railway east of St. Thomas, intersecting the Credit
Valley Railway at or near Belmont, or from some point in the
City of London to Kingsmill, or some point on the Canada
Southern Railway east of St. Thomas, intersecting the Credit
35 Valley Railway at or near Belmont, and thence to some point
on the Grand Trunk Railway at or near Aylmer, in the County
of Elgin.

3. The gauge of the said railway shall be four feet eight Gauge.
and one-half inches.

Provisional
Directors.
Quorum.

4. The persons named in section 1 of this Act, with power to add to their number, shall be and are hereby constituted a board of provisional directors of the said company, of whom a majority shall be a quorum, and shall hold office as such until the first election of directors under this Act.

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Powers of
Provisional
Directors.

5. The said board of provisional directors shall have power forthwith to open stock-books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, - bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation the said directors may, in their discretion, exclude any one or more of the said subscribers if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the City of London, or at such other place as may best suit the interest of the said company.

Meetings.

Form of conveyance.

6. Conveyances of lands to the said company for the purposes of *and powers given by* this Act, made in the form set forth in Schedule A hereunder written, or to the like effect, shall be sufficient conveyance to the said company, their successors and assigns, of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

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When subscription for stock to bind company.


7. No subscription for stock in the capital of the company shall be binding on the said company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

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Bonuses, etc., to company.

8. The said company may receive, either from any government, or from any persons or bodies corporate, municipal or politic, who may have power to make or grant the same, aid towards the construction, equipment and maintenance of the said railway by way of gift, bonus or loan of money, or

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debentures or other security for money, or by way of guarantee, upon such terms and conditions as may be agreed upon. 

9. The capital of the company hereby incorporated shall be Capital stock.
 \$300,000 (with power to increase the same in the manner pro-
 5 vided by *The Railway Act of Ontario*), to be divided into
 three thousand shares of \$100 each, and shall be raised by the
 persons and corporations who may become shareholders in such
 company; and the money so raised shall be applied, in the
 first place, to the payment of all fees, expenses and disburse-
 10 ments of and incidental to the passing of this Act, and for
 making the surveys, plans and estimates connected with the
 works hereby authorized; and the remainder of said money
 shall be applied to the making, equipping, completing and
 maintaining of the said railway, and to the other purposes of
 15 this Act; and until such preliminary expenses shall be paid
 out of such capital stock, the municipal corporation of any Municipal aid
for prelimin-
ary expenses.
 municipality on or near the line of such works may, by reso-
 lution, of which seven days' previous notice shall have been
 given and passed by a majority of the said municipal corpora-
 20 tion, authorize the treasurer of such municipality to pay out of
 the general funds of such municipality its fair proportion of
 such preliminary expenses which shall thereafter, if such
 municipality shall so require, be refunded to such municipality
 from the capital stock of the said company, or be allowed to
 25 it in payment of stock.

10. When and as soon as shares to the amount of \$30,000 First meeting
for election of
directors.
 in the capital stock of the said company shall have been sub-
 scribed, and ten per centum paid thereon  into some chart-
 30 ered bank of the Dominion having an office in the Province of
 Ontario, to the credit of the company, and which shall on no
 account be withdrawn therefrom, unless for the services of
 the company,  the said provisional directors or a majority of
 them shall call a general meeting of the shareholders, for the
 purpose of electing directors of the said company, giving at
 35 least four weeks' notice by advertisement in the *Ontario
 Gazette*, and in one or more newspapers published in the
 City of London, in the said County of Middlesex, of the time,
 place and purpose of said meeting.

11. At such general meeting the shareholders present, who Election of
directors.
Quorum.
 40 shall have paid up ten per centum on their shares, with such
 proxies as may be present, shall elect not less than five, and not
 more than seven persons as hereinafter mentioned, to be directors
 of the said company (of whom a majority shall be a quorum),
 and may also pass such rules, regulations and by-laws as may
 45 be deemed expedient, provided they be not inconsistent with
 this Act and *The Railway Act of Ontario*.

12. No person shall be qualified to be elected as such Qualification
of directors.
 director by the shareholders unless he is a shareholder holding
 at least ten shares of stock in the said company, and unless he
 50 has paid up all calls thereon.

13. The directors may from time to time make calls as they Calls on stock.
 shall think fit, provided that no calls shall be made at any one
 time of more than ten per centum of the amount subscribed
 by each shareholder, and thirty days' notice shall be given of
 55 each call as provided in section 10 of this Act.

Payment of
certain ex-
penses autho-
rized.

14. The provisional directors or the elected directors may pay, or agree to pay, in paid up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company.

Annual
meeting.

15. Thereafter the general annual meeting of the shareholders of the said company shall be held in such place in the City of London, or in such other place and on such days and at such hours as may be directed by the by-laws of the company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette* and once a week in one newspaper published in the City of London during the four weeks preceding the week in which such meeting is to be held.

Special
meetings.

16. Special general meetings of the shareholders of said company may be held at such place and at such times and in such manner and for such purposes as may be provided by the by-laws of said company, upon such notice as is provided in the last preceding section.

Aid from mu-
nicipalities.

17. Any municipality, or any portion of a township municipality, which may be interested in securing the construction of the said railway, or through any part of which or near which the railway or works of the said company shall pass or be situate, may aid the said company, by giving money or debentures, by way of bonus, gift or loan, or by the guarantee of the municipal corporation, under and subject to the provisions hereinafter contained; Provided always, that such aid shall not be given except after the passing of a by-law for the purpose, and the adoption of such by-law by the qualified ratepayers of the municipality or portion of municipality (as the case may be), in accordance with and as provided by law in respect to granting aid by way of bonuses to railways.

Proviso.

Provisions
as to bonus
by-laws.

18. Such by-law shall be submitted by the municipal council to the vote of the ratepayers in manner following, namely:

(1) The proper petition shall first be presented to the council expressing the desire to aid the railway and stating in what way and for what amount, and the council shall, within six weeks after the receipt of such petition by the clerk of the municipality, introduce a by-law to the effect petitioned for, and submit the same for the approval of the qualified voters;

(2) In the case of a county municipality, the petition shall be that of a majority of the reeves and deputy-reeves, or of fifty resident freeholders, in each of the minor municipalities of the county who are qualified voters under *The Consolidated Municipal Act, 1883*;

(3) In the case of other municipalities the petition shall be

that of a majority of the council thereof, or of fifty resident freeholders, being duly qualified voters under *The Consolidated Municipal Act, 1883*, as aforesaid;

- (4) In the case of a section of a township municipality, the petition is to be presented to the council, defining the section by metes and bounds, or lots and concessions, and shall be that of a majority of the council of such township municipality or of fifty resident freeholders in such section of the municipality, being duly qualified voters as aforesaid.

- 10 **19.** Such by-law shall in each instance provide: (1) For raising the amount petitioned for in the municipality or por-
 15 tion of the township municipality (as the case may be) mentioned in the petition, by the issue of debentures of the county or minor municipality respectively, and shall also provide for
 20 the delivery of the said debentures, or the application of the amount to be raised thereby as may be expressed in the said
 25 by-law; (2) For assessing and levying upon all ratable property lying within the municipality or portion of the township municipality defined in said by-law (as the case may be) an
 annual special rate sufficient to include a sinking fund for the repayment of the said debentures within twenty years, with interest thereon, payable yearly or half yearly, which debentures the respective municipal councils, wardens, mayors, reeves and other officers thereof, are hereby authorized to execute and
 issue in such cases respectively.

- 20.** In case of aid from a county municipality, fifty resi-
 dent freeholders of the county may petition the county council against submitting the said by-law upon the ground that cer-
 30 tain minor municipalities or portions thereof comprised in the said by-law would be injuriously affected thereby, or upon any
 other ground ought not to be included therein, and upon de-
 posit by the petitioners with the treasurer of the county of a
 35 sum sufficient to defray the expense of such reference, the said council shall forthwith refer the said petition to three arbitra-
 40 tors, one being the judge of the county court, one being the registrar of the county or of the riding in which the county town is situate, and one being an engineer appointed by the
 Commissioner of Public Works for Ontario, who shall have power to confirm or amend the said by-law by excluding any
 45 minor municipality or any section thereof therefrom, and the decision of any two of them shall be final, and the by-law so confirmed or amended shall thereupon, at the option of the railway company, be submitted by the council to the duly
 qualified voters, and in case the by-law is confirmed by the
 arbitrators the expense of the reference shall be borne by the
 petitioners against the same; but if amended, then by the rail-
 way company, or the county as the arbitrators may order.

- 21.** The term "minor municipality" shall be construed to
 mean any town not separated from the municipal county,
 50 township or incorporated village situate in the county munici-
 pality.

- 22.** Before any such by-law is submitted the railway com-
 55 pany shall, if required, deposit with the treasurer of the muni-
 cipality a sum sufficient to pay the expenses to be incurred in
 submitting said by-law.

By-law, what
to contain.

Provisions for
referring to
arbitration
disputes as to
bonus by-laws.

"Minor muni-
cipality,"
meaning of.

Deposit for
expenses.

If by-law carried, council to pass same:

23. In case the by-law submitted be approved of and carried, in accordance with the provisions of the law in that behalf, then within four weeks after the date of such voting the municipal council which submitted the same shall read the said by-law a third time and pass the same.

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And issue debentures.

24. Within one month after the passing of such by-law, the said council and the mayor, warden, reeve, or other head, or other officers thereof, shall issue the debentures provided for by the by-law, and deliver the same duly executed to the trustees appointed, or to be appointed, under this Act.

Levying rate on portions of municipality.

25. In case any such loan, guarantee or bonus be so granted by a portion of a township municipality the rate to be levied for payment of the debentures issued therefor, and the interest thereon, shall be assessed and levied upon such portion only of such municipality.

Application of Municipal Act as to by-laws.

26. The provisions of *The Consolidated Municipal Act 1883*, and the amendments thereto so far as the same are not inconsistent with this Act, shall apply to any by-law so passed by or for a portion of a township municipality, to the same extent as if the same had been passed by or for the whole municipality.

Extension of time for commencement.

27. The councils for all corporations that may grant aid by way of bonus to the said company may, by resolution or by-law, extend the time for the commencement of the work beyond that stipulated for in the by-law or by-laws granting such aid from time to time; provided that no such extension shall be for a longer period than one year.

Extension of time for completion.

28. It shall and may be lawful for the council of any municipality that may grant aid by way of bonus to the said company, by resolution or by-law, to extend the time for the completion of the works (on the completion of which the said company would be entitled to such bonus) from time to time; provided that no such extension shall be for a longer period than one year at a time.

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Rate not exceeding three cents in the dollar valid.

29. Any municipality or portion of a township municipality interested in the construction of the road of the said company may grant aid by way of bonus to the said company toward the construction of such road, notwithstanding that such aid may increase the municipal taxation of such municipality or portion thereof beyond what is allowed by law; provided that such aid shall not require the levying of a greater aggregate annual rate for all purposes, exclusive of school rates, than three cents in the dollar upon the value of the ratable property therein.

Proviso.

Grants of lands.

30. Any municipality through which the said railway may pass, is empowered to grant by way of gift to the said company, any lands belonging to such municipality or over which it may have control, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway; and the said railway company shall have power to accept gifts of land from any government, or any person or body politic or corporate, and

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shall have power to sell or otherwise dispose of the same for the benefit of the said company.

31. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same or any part thereof from time to time as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Acquiring lands for stations, gravel pits, etc.

32. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof, with their notice of arbitration, as in case of acquiring the roadway; and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceedings may be had by the said company either for the right to the fee simple in the land from which said materials shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Acquiring gravel, etc., for construction and maintenance of railway.

33.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway;

Sidings to gravel pits, etc.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

Trustees of
debentures.

34. Whenever any municipality or portion of a township municipality shall grant aid by way of bonus or gift to the railway company, the debentures therefor shall within six months after the passing of the by-law authorizing the same be delivered to three trustees to be named, one by the Lieutenant-Governor in Council, one by the said company, and one by the majority of the heads of the municipalities which have granted bonuses, all of the trustees to be residents of the Province of Ontario; provided that if the said heads of the municipalities shall refuse or neglect to name such trustee within one month after notice in writing of the appointment of the company's trustee, or if the Lieutenant-Governor in Council shall omit to name such trustee within one month after notice in writing to him of the appointment of the other trustees, then in either case the company shall be at liberty to name such other trustee or other trustees. Any of the said trustees may be removed and a new trustee appointed in his place at any time by the Lieutenant-Governor in Council, and in case any trustee dies or resigns his trust, or goes to live out of the Province of Ontario, or otherwise becomes incapable to act, his trusteeship shall become vacant and a new trustee may be appointed by the Lieutenant-Governor in Council.

Trusts of
proceeds of
debentures.

35. The said trustees shall receive the said debentures or bonds in trust, firstly, under the directions of the company but subject to the conditions of the by-law in relation thereto as to time or manner, to convert the same into money or otherwise dispose of them; secondly, to deposit the debentures or amount realized from the sale in some chartered bank having an office in the Province of Ontario, in the name of "The London and South-Eastern Railway Municipal Trust Account," and to pay the same out to the said company from time to time as the said company becomes entitled thereto under the conditions of the by-law granting the said bonus, and on the certificate of the chief engineer of the said railway for the time being, in the form set out in Schedule B, hereto, or to the like effect, which certificate shall set forth that the conditions of the by-law have been complied with, and is to be attached to the cheque or order drawn by the said trustees for such payment or delivery of debentures, and such engineer shall not wrongfully grant any such certificate under a penalty of \$500 recoverable in any court of competent jurisdiction by any person who may sue therefor.

Fees to
trustees.

36. The trustees shall be entitled to their reasonable fees and charges from said trust fund, and the act of any two of such trustees shall be as valid and binding as if the three had agreed.

Bonds.

37. The directors of the said company, after the sanction of the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds, made and signed by the president of the said company and countersigned by the secretary, and under the seal of the said company, for the purpose of raising money for prosecuting the said undertaking; and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and the real property of the com-

pany, including its rolling stock and equipments then existing, and at any time thereafter acquired; and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof, upon the under-
 5 taking and property of the company as aforesaid: *Provido*,
 however, that the whole amount of such issue of bonds shall not
 exceed in all the sum of \$10,000 per mile; and provided that *Provido*,
 in the event at any time of the interest upon the said bonds
 remaining unpaid and owing, then, at the next ensuing general
 10 annual meeting of the said company, all holders of bonds shall
 have and possess the same rights, privileges and qualifications for
 directors and for voting as are attached to shareholders, pro- *Provido*,
 vided further, that the bonds and any transfers thereof shall
 have been first registered in the same manner as is provided
 15 for the registration of shares, and it shall be the duty of the
 secretary of the company to register the same on being required
 to do so by any holder thereof.

38. All such bonds, debentures, and other securities and *Form of bonds.*
 coupons and interest warrants thereon respectively may be
 20 made payable to bearer and transferable by delivery, and any
 holder of any such *securities* so made payable to bearer may
 sue at law thereon in his own name.

39. The said company shall have power and authority to *Bills and notes.*
 become parties to promissory notes, and bills of exchange for
 25 sums of not less than \$100, and any such promissory note or
 bill made, accepted, or endorsed by the president or vice-
 president of the company and countersigned by the secretary
 of the said company and under the authority of a quorum of
 the directors, shall be binding on the said company, and every
 30 such promissory note or bill of exchange so made shall be
 presumed to have been made with proper authority until the
 contrary be shown, and in no case shall it be necessary to have
 the seal of the said company affixed to such promissory note
 or bill of exchange, nor shall the president, vice-president or
 35 the secretary be individually responsible for the same unless
 the said promissory notes or bills of exchange have been issued
 without the sanction and authority of the directors as herein
 provided and enacted; provided, however, that nothing in this *Provido*,
 section shall be construed to authorize the said company to
 40 issue any promissory note or bill of exchange payable to bearer,
 or intended to be circulated as money, or as the notes or bills of
 a bank.

40. The said company may from time to time, for advances *Mortgaging bonds for advances.*
 of money to be made thereon, mortgage or pledge any bonds
 45 which they may be enabled, under the powers of this Act, to
 issue for the construction of the said railway.

41. It shall be lawful for the directors of the company to *Agreements for use of rolling stock, etc.*
 enter into agreement with any company or companies, if law-
 fully authorized to enter into such an agreement, person or
 50 persons, for the leasing, hiring, or use of any locomotives, car-
 riages, rolling stock and other movable property from such
 companies or persons, for such time or times, and on such terms
 as may be agreed on, and also to enter into agreement with any
 railway company or companies, if so lawfully authorized, for
 55 the use by one or more of such contracting companies of the

locomotives, carriages, rolling stock and other movable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Agreements
with other
companies.

42. It shall be lawful for the company to enter into any agreement with the West Ontario Pacific Railway Company, the Credit Valley Railway Company, the Canadian Pacific Railway Company, the Canada Southern Railway Company, or the London and Port Stanley Railway Company, if lawfully empowered to enter into such agreement, for the construction, leasing, or working of the said railway, or any part thereof, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company any portion of their railway, or the use thereof, and generally to make any agreement or agreements with either of the said companies if so lawfully authorized, touching the use by one or the other, or by both companies, of the railway or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding according to the terms and tenor thereof, and the company leasing or entering into such agreement for using the said line may and is hereby authorized to work the said railway, in the same manner and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers, and privileges by this Act conferred: Provided that every such lease or agreement shall be first sanctioned at a *special* general meeting called for the purpose of considering the same, according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting, but this section shall not be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

Proviso.

Telegraph
lines.

43. The said company may also construct an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telegraph line the powers conferred upon telegraph companies by *The Act respecting Electric Telegraph Companies* (being chapter 151 of the Revised Statutes of Ontario) are hereby conferred upon the said company.


Aliens may be
shareholders
and directors.

44. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said company.



Transfer of
shares.

45. Shares in the capital stock of the said company may be transferred by any form of instrument in writing, but no transfer shall become effectual unless the stock or scrip certificates issued in respect of shares intended to be transferred are surrendered to the company, or the surrender thereof dispensed with by the company.



46. The company shall have full power to purchase land for and erect warehouses, elevators, stations, workshops and offices, and to sell and convey such land as may be found superfluous for any such purpose. Power to erect warehouses.
- 5 47. The said company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods and commodities Collection of back charges.
- 10 as the person to whom such charges were originally due, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.
48. Notwithstanding the provisions of section 7 of the Act Corporation of the City of London authorized to borrow \$75,000, notwithstanding 35 Vic. cap. 75, s. 7.
- 15 passed in the 35th year of Her Majesty's reign, chaptered 75, and intituled *An Act respecting the Debt of the City of London*, or of any other Act, it shall be lawful for the municipal council of the corporation of the City of London to pass a by-law for borrowing upon the credit of the said corporation a sum not
- 20 exceeding \$75,000, and granting the said sum as a bonus or loan, or part bonus and part loan, to said railway company.
49. The said corporation may issue debentures under the corporation seal, signed by the mayor and countersigned by the
- 25 treasurer of the said city for the time being, for such sums as shall be authorized by any by-law or by-laws passed under the authority of this Act as hereinbefore mentioned, and not exceeding in the whole the said sum of \$75,000, and the principal sum secured by such debentures and the interest accruing
- 30 thereon may be made payable in sterling money of Great Britain or in such other currency as may seem best, and in this Province or in Great Britain or elsewhere as to the said council may seem expedient. Power to said corporation to issue debentures to an amount not exceeding \$75,000.
50. The debentures to be issued as aforesaid shall be made
- 35 payable not less than twenty nor more than thirty years from the date thereof as the said council may direct, and the interest thereon at a rate not exceeding six per cent. per annum may be made payable half-yearly, and coupons for the payment thereof may be attached to the said debentures. Time debentures to be payable and rate of interest.
- 40 51. No irregularity in the form of the said debentures or of the by-law or by-laws authorizing the issue thereof shall render the same invalid or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of
- 45 them or any part thereof. Irregularities not to invalidate debentures.
52. The by-law provided for by this Act shall not require
- 50 to be submitted to or to receive the assent of the electors of the said city before the final passing thereof, but the other provisions of *The Consolidated Municipal Act, 1883*, shall apply thereto. Assent of electors not required.
53. If the Corporation of the City of London shall, under
- 55 the powers conferred by this Act, lend to the said company the said sum of \$75,000, or any part thereof, it may take security therefor upon the undertaking and the real and personal Corporation may take security from company.

property of the company, or such part thereof as may be agreed on; and such security shall have priority over the bonds of the company hereby authorized to be issued. 



Exemption of
property of G.
T. R. from
assessment for
bonus.

 **54.** All property owned, used or occupied by the Grand Trunk Railway Company of Canada for the purposes of their railway, shall not, nor shall any part thereof be assessed or charged for, or in respect of any bonus, loan or aid, granted to the company hereby incorporated under the authority of this Act, and all such property so owned, used or occupied by the said, the Grand Trunk Railway Company of Canada, shall be exempt from taxation for, or on account of any bonus, loan or aid so granted. 

Application of
revenue de-
rived from
loan.

 **55.** In case the aid be given by making a loan under the authority of this Act, and any interest, income or other revenue shall be received by the municipality granting such aid, in respect or by reason of such loan, such interest, income or other revenue shall in each year during the currency of the debentures issued by such municipality under the authority of this Act, be applied in reduction of the annual sums required to be raised in such year, to pay the interest of and provide a sinking fund to meet such debentures, and the exemption provided for by the next preceding section shall extend to so much of the said annual sums as shall not be satisfied by the application of such interest, income or other revenue. 

Act to be void
in certain
events.

 **56.** If at any time within three months after the passing of this Act an agreement shall be come to between the Canada Southern Railway Company, the London and Port Stanley Railway Company, and the Grand Trunk Railway Company of Canada, with the approval of the Municipal Council of the Corporation of the City of London, respecting the use and working of the London and Port Stanley Railway, or that part of it lying north of the City of St. Thomas, and a certificate that such agreement has been made, signed by the mayor of the said City of London, and under its corporate seal, shall, within the said period, be filed in the office of the Secretary of this Province, then and in that case this Act shall be null and void and not to be acted on as to the whole of the railway hereby authorized to be constructed, except so much thereof as lies between some point in the said City of London at or near the line of the London and Port Stanley Railway, and such other point or points in the said City of London as the said company may select as the *termini* of its line. 

Commence-
ment and com-
pletion of rail-
way.

57. The said railway shall be commenced within three years and completed within seven years from the passing of this Act.

SCHEDULE A.

(Section 6.)

Know all men by these presents, that I (or we) [*insert the name of the vendors*] in consideration of dollars paid to me (or us) by the London and South-Eastern

Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company and I (or we) [*insert the name of any other party or parties*] in consideration of dollars, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land [*describe the land*], the same having been selected and laid out by the said company for the purposes of their railway, to hold with the appurtenances unto the said London and South-Eastern Railway Company, their successors and assigns [*here insert any other clauses, covenants or conditions required*], and I (or we) the wife (or wives) of the said

do hereby bar my (or our) dower in the said lands)

As witness my (or our) hand and seal (or hands and seals) this day of , A. D. 188 .

Signed, sealed and delivered } [L.S.]
in the presence of }

SCHEDULE B.

(Section 35.)

Chief Engineer's Certificate.

THE LONDON AND SOUTH-EASTERN RAILWAY COMPANY'S
OFFICE.

No. Engineer's Department. A.D. 188

Certificate to be attached to cheques drawn on the London and South-Eastern Railway Company Municipal Trust Account, given under section chapter of the Acts of the Legislature of Ontario, passed in the 49th year of Her Majesty's reign.

I, A.B., Chief Engineer of the London and South-Eastern Railway Company, do hereby certify that the said company has fulfilled the terms and conditions necessary to be fulfilled under the by-law No. of the Township of (or under the agreement dated the day of between the corporation of and the said company) to entitle the said company to receive from the said trust the sum of [*here set out the terms and conditions, if any, which have been fulfilled*].

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to Incorporate The London and South-Eastern Railway Company.

(Reprinted as amended by Committee of the Whole House.

First Reading, 10th February, 1886.
Second " 12th March, 1886.

(Private Bill.)

Mr. MEREDITH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Dawn Tramway Company.

WHEREAS the Dawn Tramway Company have constructed Preamble.
part of the tramway heretofore authorized, and have
petitioned for power to amend their Act of incorporation and
for other corporate powers, and it is expedient to grant the
5 prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Section 3 of the Act of the Legislature of the Province of 47 v. c. 66,
10 Ontario, passed in the 47th year of Her Majesty's reign, s. 3, amended.
chapter 66, and intituled "An Act to incorporate the Dawn
Tramway Company," is hereby amended by adding after the
word "Railway" in the eighth line thereof the words, "and
with a branch or extension running from a point on said tram-
15 way, at or near lot twenty-five in the fifth concession of the
said Township of Dawn, to a point on the River St. Clair,
about one mile north of the Village of Port Lambton, in the
County of Lambton."

2. The debentures now issued by the said company amount- Debentures
20 ing to \$20,000 are hereby declared to be a valid and prefer- issued to con-
ential lien, charge and mortgage upon the said tramway and stitute prefer-
all property movable and immovable belonging thereto, and ential charge
the franchise of the said company, including its rolling stock on property of
and equipments now existing, or at any time hereafter acquired, company.
25 and all earnings and income of whatever nature ; and each
holder of any debenture or debentures shall, without registra-
tion or formal conveyance be deemed to be a mortgagee and
incumbrancer *pro rata* with all the other holders thereof upon
the undertaking and property of the company as aforesaid.

30 3. The said company are hereby authorized and they shall Increase of
have power to increase their capital stock from \$50,000 to capital stock
\$150,000, by the further issue of one thousand shares of \$100 authorized.
each, and such shares shall be sold by the directors upon such
terms as to them shall seem best.

35 4. The directors of the said company, after the sanction of Power to issue
the shareholders shall have been first obtained at any special debentures.
general meeting to be called from time to time for such pur-
pose, and after the issue of debentures referred to in section
2 of this Act shall have been taken up, shall have power to issue
40 debentures or bonds made and signed by the President or
Vice-President of the said company and countersigned by the
Treasurer, and under the seal of the said company for the

purpose of raising money for prosecuting the said undertaking, and such debentures or bonds without registration or formal conveyance shall be taken, and considered to be the first and preferential claims and charges upon the undertaking and the property of the company, real and personal then existing, and at any time thereafter acquired, and the franchise, rights and earnings of every kind belonging to or arising thereout; and each holder of the said debentures or bonds shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and property of the company as aforesaid; provided, however, that the whole amount of such issue of bonds shall not exceed, in all, the sum of \$7,000 per mile of said tramway; and provided also further, that in the event at any time of the interest upon said debentures or bonds remaining unpaid and owing, then at the next ensuing general annual meeting of the said company, all holders of debentures or bonds shall have and possess the same rights, and privileges, and qualifications for directors and for voting as are attached to shareholders; provided that the debentures, or bonds, or any transfers thereof, shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the Secretary of the company to register the same on being requested to do so by any holder thereof.

Proviso.

Proviso.

Proviso.

No. 23.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting the Dawn Tramway
Company.

First Reading, 1886.

(Private Bill.)

M. FERGUSON.

TORONTO:

PRINTED BY WALKER & SON, 26 AND 28 FRONT ST. W.

An Act respecting the Woman's Christian Association
of Belleville.

WHEREAS the Woman's Christian Association, of Belleville, by their petition have represented that they have purchased and paid for the site of the new Hospital and Home for the Friendless in Belleville, and that the said hospital and home have been erected thereon at a large expense; and whereas, to pay off the balance of the said outlay they have been obliged to borrow the sum of \$4,000, to secure the payment of which the mortgage which forms the schedule to this Act has been created; and whereas the title to the whole of the said property is in certain trustees, and not in the said Association, and therefore the Association could not mortgage, as otherwise they could have done, under the powers vested in them; and whereas, by their said petition they have prayed that their act, and the act of the trustees, may be confirmed and made valid; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 20 1. The mortgage set out in the schedule to this Act is hereby confirmed and declared valid and binding to all intents, and for all purposes whatsoever, as fully as if the said property covered by the said mortgage had been vested in fee simple in the said The Woman's Christian Association, of Belleville, and the said mortgage shall for all purposes be valid and binding
25 on all persons whomsoever, as fully as if set out at length in this Act.
- Mortgage set out in Schedule confirmed.

SCHEDULE.

This Indenture, made this fourteenth day of December in the year of our Lord, 1885, in pursuance of the Act respecting short forms of mortgages.

BY AND BETWEEN

The Woman's Christian Association, of Belleville, hereinafter called "The Association," of the first part;

John Bell, Anson Gilbert Northrup, Merrick Sawyer, and James St. Charles, all of Belleville, in the County of Hastings, Esquires, hereinafter called "The Trustees," of the second part, and

The Hastings Loan and Investment Society, hereinafter called the Mortgagees, of the third part;

Whereas the said Association have power to mortgage any lands or tenements held and owned by them, for the purpose of raising money to pay for the erection of the Hospital and Home for the Friendless now being completed by them, and

Whereas, the lands hereinafter described are held by the said trustees, and the Mayor of Belleville, and the Warden of the County of Hastings, as trustees *ex officio*, for the purposes of the Association, and of the Home and Hospital contemplated by their articles of incorporation, and

Whereas, the said Association desire to borrow the sum of \$4,000 to enable them to pay for the completion of the buildings now being completed for their said Home and Hospital, and to that end have requested, and hereby do request, the said trustees to join in mortgaging said property, hereinafter described to the said mortgagees above named, who have consented to loan the said sum on the security of the said property.

Therefore this Indenture witnesseth that the said trustees, the party hereto of the second part, at the request of the said Association, and in consideration of the sum of \$4,000 of lawful money of Canada, now paid by the said mortgagees to the said Woman's Christian Association, of Belleville, the receipt whereof by them is hereby acknowledged, the said party of the second part do grant and mortgage unto the said mortgagees, their successors and assigns, for ever, all and singular that certain parcel or tract of land and premises situate, lying and being in the City of Belleville, in the County of Hastings, and Province of Ontario, and being composed of part of the east half of lot number seven, and part of the broken front in front of the said east half of lot number seven, in the first concession of the Township of Thurlow, in the County of Hastings, and which part may be more particularly described as block "3" on the south side of the Kingston road, on a plan made by Evans & Bolger, purporting to be a plan of the east half of said lot number seven, and which plan is registered in the registry office in and for the County of Hastings, on the 14th day of August, 1878, and which block contains four and one-fourth acres, more or less, and extends from the Kingston road to the waters of the Bay of Quinte, together with all the woods, ways, waters, easements, rights and privileges, whatsoever in anywise belonging or appertaining thereto or to any part thereof,

Provided this mortgage to be void on the payment of \$4,000 of lawful money of Canada, with interest at the rate of 6 per cent. per annum, payable as follows, That is to say :

The principal to become due and payable five years from the date hereof, with permission at any time after the expiration of three years from this date, for the said Association to pay at any time any sum not less than \$500 on account of the principal money, they giving at least three months' notice of their intention to make such payment, the interest to be payable at the rate aforesaid, half yearly, computing from the date hereof, the first payment of interest to be made on the 14th day of June, now next ensuing, and so on each six months thereafter, on the unpaid principal, until all is paid and satisfied.

And taxes and performance of statute labour.

The said the Association, the party hereto of the first part, covenants with the mortgagees that they the Association will pay the mortgage money and interest, and observe the above proviso.

That the said trustees have a good title to the said lands in fee simple, and that they have the right to convey the same to the said mortgagees.

And that on default the mortgagees shall have quiet possession of the said lands, free from all encumbrances.

And that they, the parties hereto of the first part, also the parties of the second part, will execute such further assurances of the said lands as may be requisite, and that they have done no act to encumber the said lands.

And that the Association will insure the buildings on the said lands, to the amount of not less than \$5,000, and keep the same so insured.

And the said parties of the first part and second parts do release to the mortgagees all their respective claims upon the said lands, subject to the said proviso.

Provided that the said mortgagees, on default of payment for three months, may enter on and lease or sell the said lands.

Provided that the mortgagees may distrain for arrears of interest.

Provided that in default of the payment of interest hereby secured, the principal hereby secured shall become payable.

Provided that until default of payment the mortgagees shall have quiet possession of the said lands.

And the said trustees hereby covenant with the mortgagees that they, free of cost to the said mortgagees, will, with all reasonable despatch obtain an Act of the Legislature of the Province of Ontario, confirming and declaring the mortgage valid in all respects.

That if default be made in payment of the said principal or interest, or any part thereof, that then when the said mortgagees have by all lawful means collected from the party of the first part, and from the sale of the property hereby mortgaged, if any balance remains due or payable to the said mortgagees on the said loan, principal or interest, they, the party of the second part, will pay and satisfy any such balance on the same being shown, with a correct statement of what has been realized on the property mortgaged, and from the Association, and showing the application thereof.

Received on the day of the date of this Indenture, from the mortgagees, the sum of \$4,000 mentioned.

Witness,

Signed, J. C. JONES.

In witness whereof the party of the first part have hereunto affixed their corporate seal, and their president has signed the same, and the party of the second part have hereunto set their respective hands and seals on the day and year first above written.

Signed, Sealed and Delivered, in the presence of
Sgd J. A. FORIN.

Sgd J. C. JONES, (Cor. Seal).
President, W. C. Ass.
Sgd JOHN BELL, (Seal).
Sgd A. G. NORTHRUP, (Seal).
Sgd H. SAWYER, (Seal).
Sgd JAS. ST. CHARLES, (Seal).

No. 24.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting the Woman's Christian
Association of Belleville.

First Reading,

1886.

(Private Bill.)

Mr. FERRIS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Consolidated Debt of the
Town of Port Hope.

WHEREAS the corporation of the Town of Port Hope have Preamble.
under the Acts consolidating the debt of the said town,
issued debentures to the amount of \$60,500, which are still
outstanding, and have petitioned to be authorized to raise,
5 by the issue of debentures, a sum of money sufficient for the
redemption of the said outstanding debentures; and whereas
the corporation of the Town of Port Hope, under *The Municipal Loan Fund Debt Act*, issued debentures to the amount of
\$92,518.76, of which \$68,620.00 are still outstanding, and
10 have petitioned to be authorized to raise, by the issue of
debentures, a sum of money sufficient for the redemption of
the said outstanding debentures; and whereas the corporation
of the Town of Port Hope, being interested in the harbour,
called the Port Hope Harbour, the Commissioners thereof,
15 having, under the Act authorizing the same, issued debentures
to the amount of \$70,000.00, all of which are outstanding, and
the corporation of the Town of Port Hope have petitioned that
they be authorized to join with the Port Hope Harbour Com-
missioners and issue joint Port Hope Harbour and Town
20 debentures, to raise a sum of money sufficient for the redemp-
tion of the said outstanding debentures; and it is expedient to
grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
25 as follows :

1. The said Corporation may issue debentures under the corporate seal, signed by the mayor, and countersigned by the treasurer of the said Town, for the time being in such sums not exceeding \$130,000 in the whole, as the said Corporation
30 may from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon may be made payable at such place as the Corporation may deem expedient. Power to issue debentures for \$130,000.
2. The Corporation of the said Town may raise, by way of
35 loan, on the credit of the said debentures, a sum not exceeding on the whole, the sum of \$124,312. Power to borrow on debentures.
3. The treasurer of the said Town shall, on receiving
instructions from the council so to do, from time to time, with
the consent of the holders, call in any of the said outstanding
40 debentures, specially provided for by this Act, and shall discharge the same with the funds raised under this Act, or may substitute therefor the said debentures, or any of them above Reduction of outstanding debentures.

authorized to be issued by this Act, as may be agreed upon between the Corporation and the holders of such outstanding debentures.

Application of
moneys so
raised.

4. The loan to be raised, as aforesaid, shall be applied by the Council to the redemption and payment of the said outstanding debentures, and to and for no other purpose whatsoever.

Sinking fund.

5. For the payment of the debentures to be issued under this Act, the Council shall impose a special rate per annum, (over and above, and in addition to all other rates to be levied in each year, and over and above all interest to be paid on such debentures) which shall be sufficient to form a sinking fund of one per cent. per annum for that purpose.

Payment of
sinking fund
from 1886 to
1894.

6. For the payment of the sinking fund, the Council shall, from the year 1886 to 1893 inclusive, when issuing debentures to pay the Town's Municipal Loan Fund Indebtedness, only issue debentures for the amount that said debentures falling due do exceed the sum of \$1,351 and each and every year thereafter pay one debenture of the sum of \$1,351 which, in the issuing of debentures by the said Corporation, shall be of said amount, and date so that one shall become due every year of the time the said issue may be made payable.

Town and
Harbour Com-
missioners to
issue debentures,
\$60,000.

7. The said Corporation may, in conjunction with the Port Hope Harbour Commissioners, issue debentures signed by the mayor, and countersigned by the treasurer, as well as by the chairman and secretary of the Port Hope Harbour Commissioners for the time being, in such sums not exceeding \$60,000 in the whole, as the said Corporation and Harbour Commissioners may, from time to time direct, and the principal sum secured by the said debentures, and the interest accruing thereon, may be payable at such place as the said Corporation and Harbour Commissioners may deem expedient.

Application of
said loan.

8. The loan to be raised as aforesaid, shall be applied by Port Hope Harbour Commissioners to the redemption and payment of their outstanding debentures, and to and for no other purpose whatsoever.

Corporation
not to incur
further debt.

9. It shall not be lawful for the Corporation to incur any further debt or liability than is provided for in this Act, except the yearly current expenses to be paid out of the annual assessment, and any such contract or undertaking for increasing the debt or liability of the said Corporation contrary to this Act, shall be utterly null and void.

Repeal of by-
laws levying
special rate.

10. The Corporation, after having called in and paid the said outstanding debentures, may repeal any by-laws of the said Council, which authorized the levying of special rates for the purpose of satisfying the same.

Debentures,
when payable.

11. The debentures to be issued, as aforesaid, shall be payable in not more than twenty-five years from the date thereof, as the Corporation may direct, and the interest thereon at such rate, not exceeding six per cent. per annum, as the Corporation shall determine, shall be payable half-yearly, according to the coupons attached thereto.

12. No irregularity in the form, either of the said debentures, or of any by-law authorizing the issuing thereof, shall render the same invalid, or illegal, or be allowed as a defence to any action brought against the Corporation for the recovery of the amount of the said debentures and interest, or any, or either of them, or any part thereof.

Irregularities in form not to invalidate debentures.

13. It shall not be necessary to obtain the assent of the electors of the said Town to the passing of any by-law under this Act, or to observe the formalities in relation thereto, prescribed by *The Consolidated Municipal Act, 1883*, or any Act amending the same.

Assent of electors to by-law not necessary.

14. The said debentures and coupons may be made payable in sterling money, if the council shall so direct.

Debentures may be payable in sterling money.

15. Nothing in this Act contained shall in any wise affect the claim of the Province of Ontario, in respect to the debt contracted under the Act establishing a Consolidated Municipal Loan Fund for Upper Canada, and the Acts amending the same, or the claims of the holders of the debentures issued in respect of the said debt, under the provisions of the Act passed in the 36th year of Her Majesty's reign, chapter 47, intituled *An Act Respecting the Municipal Loan Fund Debt, and respecting certain Payments to Municipalities.*

This Act not to affect the Municipal Loan Fund Act.

No. 25.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Consolidated Debt of
the Town of Port Hope.

First Reading, , 1886.

(Private Bill.)

Mr. BREKTON.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Consolidated Debt of the
Town of Port Hope.

WHEREAS the corporation of the Town of Port Hope have Preamble.
under an Act passed in the 39th year of Her Majesty's
reign, chaptered 59, issued debentures to the amount of \$66,500,
which are still outstanding; and whereas the said corporation
5 have petitioned to be authorized to raise by the issue of debentures a sum of money sufficient for the redemption of the said
outstanding debentures, and it is expedient to grant the prayer
of the said petition:

Therefore Her Majesty, by and with the advice and consent
10 of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The said corporation may issue debentures under the Power to issue
debentures for
\$70,000.
corporate seal, signed by the Mayor, and countersigned by the
Treasurer of the said town for the time being, in such sums
15 not exceeding \$70,000 in the whole, as the said corporation
may from time to time direct, and the principal sum secured
by the said debentures, and the interest accruing thereon, may
be made payable at such place as the corporation may deem
expedient.

20 2. The corporation of the said town may raise by way of Power to raise
money on
debentures.
loan, on the credit of the said debentures, a sum not exceeding
in the whole the sum of \$66,500.

3. The Treasurer of the said town shall, on receiving Reduction of
outstanding
debentures.
instructions from the council so to do, from time to time, with
25 the consent of the holders, call in any of the said outstanding
debentures specially provided for by this Act, and shall discharge the same with the funds raised under this Act, or may
substitute therefor the said debentures, or any of them above
authorized to be issued by this Act, as may be agreed upon
30 between the corporation and the holders of such outstanding
debentures.

4. The loan to be raised as aforesaid shall be applied by the Application of
moneys raised.
council to the redemption and payment of the said outstanding
debentures, and to and for no other purpose whatsoever.

35 5. For payment of the debentures to be issued under this Sinking fund.
Act, the council shall impose a special rate per annum (over
and above, and in addition to all other rates to be levied in
each year, and over and above all interest to be paid on such
debentures), which shall be sufficient to form a sinking fund of
40 two per cent. per annum for that purpose.

Investment of
sinking fund.

6. The council shall, and it shall be the duty of the Treasurer of the said town to invest, from time to time, all money raised by special rate for the sinking fund provided in this Act, either in redemption of any of the debentures hereby authorized to be issued, or in any debentures or stock issued 5 by the Government of Canada, or in any chartered bank of the Dominion of Canada, that the council may from time to time approve, or in such other securities as the Lieutenant-Governor of this Province may, by Order in Council direct.

Corporation
not to incur
further debt.

7. It shall not be lawful for the corporation to incur any 10 further debt or liability than is provided for in this Act, except the yearly current expenses, to be paid for out of the annual assessment; and any contract or undertaking for increasing the debt or liability of the said corporation contrary to this Act shall be utterly null and void. 15

Repeal of by-
laws levying
special rate.

8. The corporation, after having called in and paid the said outstanding debentures, may repeal any by-laws of the said council, which authorized the levying of special rates for the purpose of satisfying the same.

Debentures
when to be
payable.

9. The debentures to be issued as aforesaid, shall be payable 20 in not more than twenty years from the date thereof, as the corporation may direct, and the interest thereon at such rate not exceeding six per centum per annum, as the corporation shall determine shall be payable half yearly, according to the coupons attached thereto. 25

Irregularities
in form not to
invalidate
debentures.

10. No irregularity in the form, either of the said debentures, or of any by-law authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the corporation for the recovery of the amount of the said debentures and interest, or any or 30 either of them, or any part thereof.

Assent of
electors to by-
laws not neces-
sary.

11. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law under this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*, or any Act 35 amending the same.

Debentures
may be pay-
able in sterling
money.

12. The said debentures and coupons may be made payable in sterling money, if the council shall so direct.

This Act not
to affect the
Municipal
Loan Fund
Act.

13. Nothing in this Act contained shall in anywise affect the claim of the Province of Ontario, in respect of the debt 40 contracted under the Act establishing a Consolidated Municipal Loan Fund for Upper Canada, and Acts amending the same, or the claims of the holders of the debentures issued in respect of the said debt, under the provisions of the Act passed in the 36th year of Her Majesty's reign, chaptered 47, and intituled 45 *An Act respecting the Municipal Loan Fund Debts, and respecting certain payments to Municipalities.*

No. 25.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting the Consolidated Debt
of the Town of Port Hope.

First Reading,	1886.
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(Private Bill.)

Mr. BRERETON.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the St. Catharines Club.

WHEREAS about eight years prior to the passing of this Preamble.

Act a number of the citizens of the City of St. Catharines associated themselves together for the formation of a social club in the said city, and having established the same
5 applied for and obtained incorporation under chapter 167 of the Revised Statutes of Ontario, and the said Club has continued as so incorporated; and, whereas, doubts exist as to the application of the said Act to the said Club and as to the validity of its incorporation thereunder, and it is desirable to remove
10 the said doubts and to grant further powers to the said Club and the members thereof; and, whereas, the persons hereinafter named, who are the President, Vice-President and members of the committee of said Club duly elected for the current year according to the existing rules of said Club, have prayed
15 to have the said incorporation confirmed and the said doubts removed, and to have further rights and privileges granted to said Club, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
20 of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. (1) William Ellis, Henry Albert King, Paul Harry Mar- Incorporation.
shall, Samuel Montgomery, George Clark Carlisle, James Hamilton Ingersoll, Hamilton Killally Woodruff, William Boston
25 Towers, and Henry G. Hunt, and such other persons as now are or hereafter shall become members of the said Association, shall be and are hereby declared to be a body politic and corporate in deed and in name by the name of the "St. Catharines Club," and by that name shall from time to time and at all times thereafter
30 be able and capable to purchase, acquire, hold, possess and enjoy, and to have, take and receive to them and their successors, to and for the actual occupation of the said corporation, any lands, tenements and hereditaments, and real and immovable property and estate situate, lying and being within the City of
35 St. Catharines, and the same to sell, alienate and dispose of whensoever the said corporation may deem it proper so to do, and by the same name shall and may be able and capable in law to sue and be sued, implead and be impleaded, answer and be answered unto in any manner whatsoever. Power to acquire lands.
- 40 (2) The constitution, rules and regulations now in force touching the admission and expulsion of members, and the management and conduct generally of the affairs and concerns of the said Association, in so far as they may not be inconsistent
45 with the laws of this Province, shall be the constitution, rules and regulations of the said corporation; provided always that

the said corporation may from time to time alter, repeal and change such constitution, rules and regulations in the manner provided by the constitution, rules and regulations of the said corporation.

Property of
existing asso-
ciation to vest
in corporation
constituted by
this Act.

2. All property and effects now owned and held by the said existing Association shall be vested in the Corporation hereby constituted, and shall be applied solely to the maintenance of the said corporation, and the said Association is hereby in all respects merged in the corporation hereby constituted. 5 10

Liability of
members.

3. No member of the corporation shall be liable for any of the debts thereof beyond a sum which shall be equal to the amount of the original entrance fee and the annual subscriptions which may remain unpaid by such member; and members not being in arrear for entrance fee, subscription or otherwise, shall be wholly free from liability for any debt or engagement of the Club. Members of the Club not in arrear may retire therefrom in the manner provided by the constitution and rules of the Club. 15

Borrowing
powers.

4. The said corporation with the assent of the members, as hereinafter provided for, may raise or borrow either upon mortgage of the real and personal property of the corporation, or by the issue of debentures, secured thereon as hereinafter provided, or by the issue of stock, or partly in one way and partly in the other or others, such sum of money as they may deem necessary, not exceeding in the aggregate the sum of \$20,000. 20 25

Capital stock.

5. If stock is issued it shall be issued in shares of \$25 each, such share to be subscribed for in a book to be opened for that purpose by the committee of the said Club, and to be paid up in the manner and within the time determined by the said committee, and to bear interest at a rate to be fixed by the said committee. 30

Power to
mortgage.

6. If it is decided to raise or borrow the said moneys upon mortgage the said corporation are hereby authorized to execute a mortgage upon their real and personal property, or such portions thereof as they may see fit, to secure the repayment of the moneys borrowed and interest at the rate to be fixed as aforesaid in such way and manner as may have been agreed upon. 40

Power to issue
debentures.

7. If it is decided to raise the said moneys upon debentures the said corporation may pledge and mortgage the real and personal property of the corporation, or either thereof, for the repayment of the moneys so borrowed and the interest thereon; such debentures may be payable to the bearer, or to the order of any person, and shall pass and be transferable by delivery or indorsement thereof respectively. 45

Money to be
borrowed only
with consent
of members.

8. Notwithstanding anything herein contained, no money shall be raised in any way or manner until the consent of a majority of the members of the said corporation attending in person or represented by proxy at a special meeting to be called for that purpose, is first obtained, such special meeting 50

to be called in the manner provided by the said constitution, rules and regulations for the calling of special meetings.

9. The funds so raised shall be applied exclusively in the purchase, improvement or erection of a club house and dependencies, and in furnishing the same, or in payment of debts incurred for that or other purposes of the corporation. Application of moneys.

10. The shares of the stock shall be transferable by assignment on the books of the corporation. Transfer of shares.

11. Each holder of stock duly paid up shall be a proprietor of an undivided share of the real estate of the corporation and of the buildings thereon to be erected, subject to any lien or mortgage or debenture (if any) theretofore granted or issued thereon, or to be granted under this Act. Ownership of shareholders.

12. The said corporation may pay off so much of the said stock from time to time as the said committee may deem desirable, the share or shares to be paid off to be selected by the committee by lot or drawings. Power to pay off stock.

13. Such payment may be made by depositing in any of the chartered banks in the City of St. Catharines to the credit of the holder or holders of such share or shares the amount of the share or shares and of all dividends unpaid thereon, and depositing a notice to that effect in a letter post-paid, and deposited in the post-office at St. Catharines, addressed to the person who shall, in the books of the corporation, appear to be the owner of said shares, at the post-office address of such holder as stated in said books, and thereupon such share or shares shall *ipso facto* cease to exist. Mode of payment.

14. If at any time fifteen or more members of the said corporation deem it desirable to wind up the affairs of the said corporation they may call a special meeting of the members of the corporation to consider the advisability of winding up the affairs of the corporation, providing that notice of the meeting stating distinctly the object thereof be published in one or more of the daily newspapers published in the City of St. Catharines, for thirty clear days prior to the holding of the meeting, and a notice also distinctly stating the object of the meeting be posted prepaid to the address of each member of the corporation, as shewn on the books thereof; and if a majority of three-fourths in number of the members of the corporation present in person, or represented by proxy, at the meeting resolve to wind up the affairs of the corporation, it shall be the duty of the officers of the corporation to proceed forthwith to wind up the affairs thereof, and for that purpose to sell and dispose of all the property and assets of the corporation, subject to any lien or encumbrance (if any) existing thereon, and with the proceeds thereof to pay the debts and liabilities of the corporation, and divide the surplus thereof *pro rata* amongst the members of the corporation. Power to call meeting for winding up company.

No. 26.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to incorporate the St. Catharines
Club.

First Reading,	1886.
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(Private Bill.)

Mr. NEELON.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the St. Catharines Club.

WHEREAS about eight years prior to the passing of this Preamble.
Act a number of the citizens of the City of St.
Catharines associated themselves together for the formation of
a social club in the said city, and having established the same
5 applied for and obtained incorporation under chapter 167 of
the Revised Statutes of Ontario, and the said Club has con-
tinued as so incorporated; and, whereas, doubts exist as to the
application of the said Act to the said Club and as to the validity
of its incorporation thereunder, and it is desirable to remove
10 the said doubts and to grant further powers to the said Club
and the members thereof; and, whereas, the persons hereinafter
named, who are the President, Vice-President and members of
the committee of said Club duly elected for the current year
according to the existing rules of said Club, have prayed
15 to have the said incorporation confirmed and the said doubts
removed, and to have further rights and privileges granted to
said Club and it is expedient to grant the prayer of the said
petition;

Therefore Her Majesty, by and with the advice and consent
20 of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. (1) William Ellis, Henry Albert King, Paul Harry Mar- Incorporation.
shall, Samuel Montgomery, George Clark Carlisle, James Hamil-
ton Ingersoll, Hamilton Killally Woodruff, William Boston
25 Towers, and Henry G. Hunt, and such other persons as now are
or hereafter shall become members of the said Association, shall
be and are hereby declared to be a body politic and corporate in
deed and in name by the name of the "St. Catharines Club," and
by that name shall have perpetual succession and a com-
30 mon seal, and shall have power from time to time to alter, Power to
renew or change such common seal at their pleasure, and by acquire lands.
that name shall from time to time and at all times thereafter
be able and capable to purchase, acquire, hold, possess and en-
joy, and to have, take and receive to them and their successors,
35 to and for the actual occupation of the said corporation, any
lands, tenements and hereditaments, and real and immovable
property and estate situate, lying and being within the City of
St. Catharines, and the same to sell, alienate and dispose of
whensoever the said corporation may deem it proper so to do,
40 and by the same name shall and may sue and be sued.

(2) The constitution, rules and regulations now in force
touching the admission and expulsion of members, and the
management and conduct generally of the affairs and concerns
of the said Association, in so far as they may not be inconsistent
45 with the laws of this Province, shall be the constitution, rules

and regulations of the said corporation ; provided always that the said corporation may from time to time alter, repeal and change such constitution, rules and regulations in the manner provided by the constitution, rules and regulations of the said corporation.

5

Property of
existing asso-
ciation to vest
in corporation
constituted by
this Act.

2. All property and effects now owned and held by the said existing Association, *as heretofore incorporated*, shall be vested in the Corporation hereby constituted, and shall be applied solely to the maintenance of the said corporation, and the said Association is hereby in all respects merged in the corporation hereby constituted.

Liability of
members.

3. No member of the corporation shall be liable for any of the debts thereof beyond a sum which shall be equal to the amount of the original entrance fee and the annual subscriptions which may remain unpaid by such member ; and members not being in arrear for entrance fee, subscription or otherwise, shall be wholly free from liability for any debt or engagement of the Club. Members of the Club not in arrear may retire therefrom in the manner provided by the constitution and rules of the Club.

20

Borrowing
powers.

4. The said corporation with the assent of the members, as hereinafter provided for, may raise or borrow either upon mortgage of the real and personal property of the corporation, or by the issue of debentures, secured thereon as hereinafter provided, or by the issue of stock, or partly in one way and partly in the other or others, such sum of money as they may deem necessary, not exceeding in the aggregate the sum of \$20,000.

Capital stock.

5. If stock be issued it shall be issued in shares of \$25 each such share to be subscribed for in a book to be opened for that purpose by the committee of the said Club, and to be paid up in the manner and within the time determined by the said committee, and to bear interest at a rate to be fixed by the said committee.

Power to
mortgage.

6. If it be decided to raise or borrow the said moneys upon mortgage the said corporation are hereby authorized to execute a mortgage upon their real and personal property, or such portions thereof as they may see fit, to secure the repayment of the moneys borrowed and interest at the rate to be fixed as aforesaid in such way and manner as may have been agreed upon.

Power to issue
debentures.

7. If it be decided to raise the said moneys upon debentures the said corporation may pledge and mortgage the real and personal property of the corporation, or either thereof, for the repayment of the moneys so borrowed and the interest thereon ; such debentures may be payable to the bearer, or to the order of any person, and shall pass and be transferable by delivery or indorsement thereof respectively.

Money to be
borrowed only
with consent
of members.

8. Notwithstanding anything herein contained, no money shall be raised in any way or manner until the consent of a majority of the members of the said corporation attending in person or represented by proxy at a special meeting to be

called for that purpose, is first obtained, such special meeting to be called in the manner provided by the said constitution, rules and regulations for the calling of special meetings.

9. The funds so raised shall be applied exclusively in the purchase, improvement or erection of a club house and dependencies, and in furnishing the same, or in payment of debts incurred for that or other purposes of the corporation.

10. The shares of the stock shall be transferable by assignment on the books of the corporation.

11. Each holder of stock duly paid up shall be a proprietor of an undivided share of the real estate of the corporation and of the buildings thereon to be erected, subject to any lien or mortgage or debenture (if any) theretofore granted or issued thereon, or to be granted under this Act.

12. The said corporation may pay off so much of the said stock from time to time as the said committee may deem desirable, the share or shares to be paid off to be selected by the committee by lot or drawings.

13. Such payment may be made by depositing in any of the chartered banks in the City of St. Catharines to the credit of the holder or holders of such share or shares the amount of the share or shares and of all dividends unpaid thereon, and depositing a notice to that effect in a letter post-paid, and deposited in the post-office at St. Catharines, addressed to the person who shall, in the books of the corporation, appear to be the owner of said shares, at the post-office address of such holder as stated in said books, and thereupon such share or shares shall *ipso facto* cease to exist.

14. If at any time fifteen or more members of the said corporation deem it desirable to wind up the affairs of the said corporation they may call a special meeting of the members of the corporation to consider the advisability of winding up the affairs of the corporation, providing that notice of the meeting stating distinctly the object thereof be published in one or more of the daily newspapers published in the City of St. Catharines, for thirty clear days prior to the holding of the meeting, and a notice also distinctly stating the object of the meeting be posted prepaid to the address of each member of the corporation, as shewn on the books thereof; and if a majority of three-fourths in number of the members of the corporation present in person, or represented by proxy, at the meeting resolve to wind up the affairs of the corporation, it shall be the duty of the officers of the corporation to proceed forthwith to wind up the affairs thereof, and for that purpose to sell and dispose of all the property and assets of the corporation, subject to any lien or encumbrance (if any) existing thereon, and with the proceeds thereof to pay the debts and liabilities of the corporation, and divide the surplus thereof *pro rata* amongst the members of the corporation.

No. 26.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

**An Act to incorporate the St. Catharines
Club.**

*(Reprinted as amended by Private Bills
Committee.)*

First Reading, 22nd February, 1886.

(Private Bill.)

Mr. NEELON.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the South Essex Gun Club.

WHEREAS, Albert Chatfield, Peter Damarsh, William J. Price, Arthur Wilkinson, Everett B. Wigle, Edwin G. Rykert, Edmund C. Senkler, Frederick St. John, Hamilton K. Woodruff, James Hamilton Ingersoll, William Ellis, and Philip J. Price have by petition represented that Albert Chatfield, Peter Damarsh, William J. Price, Arthur Wilkinson, Everett B. Wigle, Edwin G. Rykert, and Edmund C. Senkler, have by petition represented that they have leased from the Government of the Dominion of Canada a tract of land at or near Point Pelee, in the County of Essex, and that they desire to promote hunting and fishing, and otherwise to manage and make the said land available for the purposes of the company incorporated by this Act, and that they can do so to better advantage by the aid of an Act to that end, and have prayed for the passing of an Act accordingly, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

20 1. The expression “the company” shall mean the company hereby incorporated whenever used in this Act or in the by-laws of the company hereby incorporated; the word “shareholders” shall mean every subscriber to or holder of stock in the company, and shall extend to and include the personal representatives of the shareholders; and the words “life right members” shall mean the holder of any right to hunt, shoot or fish upon any part of the company’s property for life or any less term.

Interpretation.

2. Albert Chatfield, Peter Damarsh, William J. Price, Arthur Wilkinson, Everett B. Wigle, Edwin G. Rykert, Edmund C. Senkler, Frederick St. John, Hamilton K. Woodruff, James Hamilton Ingersoll, William Ellis, and Philip J. Price, together with all such other persons as shall become shareholders in the Company hereby constituted shall be and they are hereby made a body corporate and politic, by the name of the “South Essex Gun Club.”

Incorporation.

3.—(1) The company may acquire and take from the said Albert Chatfield, Peter Damarsh, William J. Price, Arthur Wilkinson, Everett B. Wigle, Edwin G. Rykert, and Edmund C. Senkler, an assignment of the said lease from the Government of the Dominion of Canada, and may also acquire and take from the Government of the Dominion of Canada, upon such terms as may be agreed upon between the said company and

Power to acquire and to lease or sell lands.

the Minister of the Interior, representing the said Government of the Dominion of Canada, such portion or portions of the property known as the Naval Reserve, belonging to the said Government, situate at Point Pelee in the County of Essex, in the Province of Ontario, as may have been, or may hereafter 5 be agreed upon between the said company and the said Government.

(2) The company may also from time to time lease or purchase, acquire and hold in fee simple, from the respective owners thereof, any property, lands, marshes, marsh lands and 10 lands covered with water or rights, privileges and interests therein or thereto, being any part of the said Naval Reserve occupied by squatters whose claims have been heretofore recognized by the Government of the Dominion of Canada, or any part or parts of the land in the said county, lying adjacent 15 to the said Naval Reserve, and the said property, lands, marshes, marsh lands, and lands covered with water in this section mentioned, or any part thereof, at any time may lease or sell or convey in fee simple, on such terms as the company may see fit. 20

Business of
the company.

4. The company may carry on the business of pursuing breeding, protecting and granting licenses to take game, muskrats, mink, otter, beaver and fish upon the said property, lands, marshes, marsh lands, and lands covered with water, and upon any property, lands, marshes, marsh lands, and lands covered 25 with water which the company may at any time acquire, or in or on the water covering the same, and generally the doing of such other acts or things with the said lands and property, or with any mineral substance or thing grown, or to be grown, found, or being in or upon the same, as may promote the interests of the company, and not being contrary to the laws of this Province. 30

Capital stock.

5. The capital stock of the company shall be \$60,000, divided into sixty shares of \$1,000 each.

Calls.

6. The capital stock shall be paid by the shareholders when, 35 and as the directors of the company shall require, or as the by-laws may provide, and in case any instalment shall remain unpaid after demand and reasonable notice, as the by-laws prescribe, and within the time limited by such notice, the directors may by resolution, reciting the facts and duly re- 40 corded in their records, summarily forfeit any shares whenever such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws of the company provide.

Stock to be
personalty—
Restrictions as
to assignment.

7. The stock of the company shall be deemed personal estate 45 and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for have been paid, unless it has been declared forfeited for non- 50 payment.

Votes.

8. At all meetings of the company every shareholder not in arrear in respect to any instalment called for shall be entitled to as many votes as he holds shares in the stock of the com-

pany, and no shareholder being in arrear shall be entitled to vote, and all votes may be given in person or by proxy.

9. The said Albert Chatfield, Peter Damarsh, William J. Price, Arthur Wilkinson, Everett B. Wigle, Edwin G. Rykert, Edmund C. Senkler, Frederick St. John, Hamilton K. Woodruff, James Hamilton Ingersoll, William Ellis and Philip J. Price shall be directors of the Company until replaced by others duly elected in their stead.

Provisional directors.

10. The affairs of the company shall be administered by a board of not less than three nor more than seven directors, being severally holders of at least three shares of stock ; the after directors shall be elected at the first general meeting (of which each shareholder shall have ten days' notice by letter mailed to his address), and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected ; and three members of the board, present in person, shall be a quorum thereof, and in the case of the death, resignation, or removal or disqualification of any director the vacancy may be filled by the Board of Directors if they see fit until the next annual meeting of the shareholders, by appointing any qualified shareholder thereto, but a failure to elect directors or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose, as the by-laws of the company shall regulate : elections of directors shall be by ballot.

Board of directors.

Company not dissolved by failure to elect directors.

11. The Board of Directors shall from time to time elect from among themselves a President, and may appoint either from amongst themselves, or otherwise, a secretary-treasurer of the company, and shall have full power in all things to administer the affairs of the company, and may make, or cause to be made, any purchase or any description of contract which the company may by law make, but in no instance to exceed \$100 beyond what has been authorized by the shareholders ; to adopt a common seal ; to make from time to time any and all by-laws (not contrary to law or to the votes of the shareholders) regulating the calling in of instalments on stock and payment thereof ; the forfeiture of shares for non-payment ; the disposal of forfeited shares and the proceeds thereof ; the transfer of shares ; the declaration and payment of dividends ; the appointment, functions, duties, and removal of all agents, officers and employees of the company, the security to be given by them to the company ; their remuneration ; the time and place for holding the general, annual and other meetings of the company and of the Board of Directors ; the requirements as to proxies ; the procedure in all things at such meetings ; the site of their chief place of business, and of any other offices which they may require to have ; the times and periods during which the shareholders and life right members may hunt, shoot and fish, and the manners, places, rules and methods to be observed in doing the same, with power to impose, fix and collect from any shareholder or life right member by action in any court of competent jurisdiction, in the name and for the benefit of the company, a penalty, or penalties, in money for any and all breaches of a by-law, or by-laws, lawfully made by the company ; the imposition and recovery of all reasonable

Powers of directors.

penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the company; but every such by-law and every repeal and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company, and every copy of any by-law, under the seal of the company, and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law, 5

Company not bound to see to execution of trusts.

12. The company shall not be bound to see to the execution of any trusts, whether express, implied or constructive, in respect of any shares, and the receipt of a person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such shares, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipts. 10 15

Liability of shareholders limited.

13. The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond their shares in the stock thereof. 20

Execution of contracts, notes, etc.

14. All contracts, promissory notes, bills of exchange and engagements made on behalf of the company by the directors, officers, agents or servants of the company in accordance with their powers, under the by-laws or by vote of the company, shall be binding upon the company, and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor, but the said company shall issue no bank note, or note to circulate as money. 25 30

Commencing operations.

15. The company may commence operations upon the passing of this Act.

Company to observe same laws.

16. Notwithstanding anything in this Act contained, the said company shall not pursue and take game or fish during the close season, as fixed from time to time by the laws and regulations of this Province, or of any other lawful authority in that behalf. 35

No. 27.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to incorporate the South Essex
Gun Club.

First Reading,	1886.
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(Private Bill.)

Mr. BALFOUR.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the South Essex Gun Club.

WHEREAS, Albert Chatfield, Peter Lamarsh, William J. Price, Arthur Wilkinson, Everett B. Wigle, Edwin G. Rykert, Edmund C. Senkler, Frederick St. John, Hamilton K. Woodruff, James Hamilton Ingersoll, William Ellis, and Philip I. Price have by petition represented that Albert Chatfield, Peter Lamarsh, William I. Price, Arthur Wilkinson, Everett B. Wigle, Edwin G. Rykert, and Edmund C. Senkler, have leased from the Government of the Dominion of Canada a tract of land at or near Point Pelee, in the County of Essex, and that they desire to promote hunting and fishing, and otherwise to manage and make the said land available for the purposes of the company incorporated by this Act, and that they can do so to better advantage by the aid of an Act to that end, and have prayed for the passing of an Act accordingly, and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The expression “ the company ” shall mean the company hereby incorporated whenever used in this Act or in the by-laws of the company hereby incorporated; the word “shareholders” shall mean every subscriber to or holder of stock in the company, and shall extend to and include the personal representatives of the shareholders; and the words “life right members” shall mean the holder of any right to hunt, shoot or fish upon any part of the company’s property for life or any less term.

Interpretation.

2. Albert Chatfield, Peter Lamarsh, William I. Price, Arthur Wilkinson, Everett B. Wigle, Edwin G. Rykert, Edmund C. Senkler, Frederick St. John, Hamilton K. Woodruff, James Hamilton Ingersoll, William Ellis, and Philip I. Price, together with all such other persons as shall become shareholders in the Company hereby constituted shall be and they are hereby made a body corporate and politic, by the name of the “ South Essex Gun Club.”

Incorporation.

3.—(1) The company may acquire and take from the said Albert Chatfield, Peter Lamarsh, William I. Price, Arthur Wilkinson, Everett B. Wigle, Edwin G. Rykert, and Edmund C. Senkler, an assignment of the said lease from the Government of the Dominion of Canada, and may also acquire and take from the Government of the Dominion of Canada, upon such terms as may be agreed upon between the said company and

Power to acquire and to lease or sell lands.

the Minister of the Interior, representing the said Government of the Dominion of Canada, such portion or portions of the property known as the Naval Reserve, belonging to the said Government, situate at Point Pelee in the County of Essex, in the Province of Ontario, as may have been, or may hereafter be agreed upon between the said company and the said Government. 5

(2) The company may also from time to time lease or purchase, acquire and hold in fee simple, from the respective owners thereof, any property, lands, marshes, marsh lands and lands covered with water or rights, privileges or interests therein or thereto, being any part of the said Naval Reserve occupied by squatters whose claims have been heretofore recognized by the Government of the Dominion of Canada, or any part or parts of the land in the said county, lying adjacent to the said Naval Reserve, *not exceeding in extent three thousand acres*, and the said property, lands, marshes, marsh lands, and lands covered with water in this section mentioned, or any part thereof, at any time may lease or sell or convey in fee simple, on such terms as the company may see fit. 10 15 20

Business of
the company.

4. The company may carry on the business of pursuing breeding, protecting and granting licenses to take game, muskrats, mink, otter, beaver and fish upon the said property, lands, marshes, marsh lands, and lands covered with water, and upon any property, lands, marshes, marsh lands, and lands covered with water which the company may at any time acquire, or in or on the water covering the same, and generally the doing of such other acts or things with the said lands and property, or with any mineral substance or thing grown, or to be grown, found, or being in or upon the same, as may promote the interests of the company, and not being contrary to the laws of this Province. 25 30

Capital stock.

5. The capital stock of the company shall be \$60,000, divided into sixty shares of \$1,000 each.

Calls.

6. The capital stock shall be paid by the shareholders when, 35 and as the directors of the company shall require, or as the by-laws may provide, and in case any instalment shall remain unpaid after demand and reasonable notice, as the by-laws prescribe, and within the time limited by such notice, the directors may by resolution, reciting the facts and duly recorded in their records, summarily forfeit any shares whenever such payment is not made, and the same shall thereupon become the property of the company, and may be disposed of as the by-laws of the company provide. 40

Stock to be
personalty—
Restrictions as
to assignment.

7. The stock of the company shall be deemed personal estate 45 and be assignable in such manner only, and subject to such conditions and restrictions as the by-laws prescribe, but no share shall be assignable until all instalments called for have been paid, unless it has been declared forfeited for non-payment. 50

Votes.

8. At all meetings of the company every shareholder not in arrear in respect to any instalment called for shall be entitled to as many votes as he holds shares in the stock of the com-

pany, and no shareholder being in arrear shall be entitled to vote, and all votes may be given in person or by proxy.

9. The said Albert Chatfield, Peter Lamarsh, William I. Price, Arthur Wilkinson, Everett B. Wigle, Edwin G. Rykert, Edmund C. Senkler, Frederick St. John, Hamilton K. Woodruff, James Hamilton Ingersoll, William Ellis and Philip I. Price shall be directors of the Company until replaced by others duly elected in their stead. Provisional directors.

10. The affairs of the company shall be administered by a Board of directors. Board of directors.
 10 board of not less than three nor more than seven directors, being severally holders of at least three shares of stock ; the after directors shall be elected at the first general meeting (of which each shareholder shall have ten days' notice by registered letter mailed to his address), and thereafter at each annual meeting of the company, to hold office until their successors are elected, and who (if otherwise qualified) may always be re-elected; and three members of the said board, present in person, shall be a quorum thereof, and in the case of the death, resignation, removal or disqualification of any director the vacancy may be filled by the Board of Directors if they see fit until the next annual meeting of the shareholders, by appointing any qualified shareholder thereto, but a failure to elect directors or any failure of directors shall not dissolve the corporation, and an election may be had at any general meeting of the company called for the purpose, as the by-laws of the company shall regulate: Company not dissolved by failure to elect directors.
 25 the purpose, as the by-laws of the company shall regulate: elections of directors shall be by ballot.

11. The Board of Directors shall from time to time elect from among themselves a President, and may appoint either from amongst themselves, or otherwise, a secretary-treasurer of the company, and shall have full power in all things to administer the affairs of the company, and may make, or cause to be made, any purchase or any description of contract which the company may by law make, but in no instance to exceed \$100 beyond what has been authorized by the shareholders; to adopt a common seal; to make from time to time any and all by-laws (not contrary to law or to the votes of the shareholders) regulating the calling in of instalments on stock and payment thereof; the forfeiture of shares for non-payment; the disposal of forfeited shares and the proceeds thereof; the transfer of shares; the declaration and payment of dividends; the appointment, functions, duties, and removal of all agents, officers and employees of the company, the security to be given by them to the company; their remuneration; the time and place for holding the general, annual and other meetings of the company and of the Board of Directors; the requirements as to proxies; the procedure in all things at such meetings; the site of their chief place of business, and of any other offices which they may require to have; the times and periods during which the shareholders and life right members may hunt, shoot and fish, and the manners, places, rules and methods to be observed in doing the same, with power to impose, fix and collect from any shareholder or life right member by action in any court of competent jurisdiction, in the name and for the benefit of the company, a penalty, or penalties, in money for any and all breaches of a by-law, or by-laws, lawfully made by the company; the imposition and recovery of all reasonable Powers of directors.

penalties and forfeitures admitting of regulation by by-law, and the conduct in all other particulars of the affairs of the company; but every such by-law and every repeal and re-enactment thereof shall have force only until the next annual meeting of the company, unless confirmed at some general meeting of the company, and every copy of any by-law, under the seal of the company, and purporting to be signed by any officer of the company, shall be received in all courts of law as *prima facie* evidence of such by-law. 5

Company not bound to see to execution of trusts.

12. The company shall not be bound to see to the execution of any trusts, whether express, implied or constructive, in respect of any shares, and the receipt of the person in whose name the same shall stand in the books of the company shall be a discharge to the company for any dividend or money payable in respect of such shares, whether or not notice of such trust shall have been given to the company, and the company shall not be bound to see to the application of the money paid upon such receipts. 10 15

Liability of shareholders limited.

13. The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever relating to or connected with the company, beyond their shares in the stock thereof. 20

Execution of contracts, notes, etc.

14. All contracts, promissory notes, bills of exchange and engagements made on behalf of the company by the directors, officers, agents or servants of the company in accordance with their powers, under the by-laws or by vote of the company, shall be binding upon the company, and in no case need the seal of the company be affixed thereto, nor shall such directors, officers, agents or servants thereby become individually liable to any third party therefor, but the said company shall issue no bank note, or note to circulate as money. 25 30

Commencing operations.

15. The company may commence operations upon the passing of this Act. 35

Company to observe game laws.

16. Notwithstanding anything in this Act contained, the said company shall not pursue and take game or fish during the close season, as fixed from time to time by the laws and regulations of this Province, or of any other lawful authority in that behalf. 40

No. 27.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to incorporate the South Essex
Gun Club.

*(Reprinted as amended by Private Bills
Committee.)*

First Reading, 12th February, 1886.

(Private Bill.)

Mr. MORIN.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to enable the Toronto General Trusts Company, as Trustees of Anne Laidlaw, to purchase certain lands.

WHEREAS Anne Laidlaw, wife of George Laidlaw, formerly of the City of Toronto, now of the Township of Bexley, in the County of Victoria, and Province of Ontario, the said George Laidlaw, Elizabeth Emma Laidlaw, George Edward Laidlaw, James William Laidlaw, and Katharine Mary Grieve Laidlaw, children of the said George Laidlaw and Anne Laidlaw, over the age of twenty-one years, have by their petition represented that, by an instrument in writing bearing date the 14th day of October, 1884, made between Anne Laidlaw, wife of George Laidlaw, of the City of Toronto, Esquire, of the first part, and the Toronto General Trusts Company, of the second part, the said the Toronto General Trusts Company became Trustees of certain railway coupon bonds in their possession, that is to say, twenty-six coupon bonds of the Toronto, Grey and Bruce Railway, each for £100 sterling, and one coupon bond of the Toronto and Nipissing Railway for \$12,500, upon the trusts following, that is to say, in trust that they should either allow the said bonds or either of them or any part or parts thereof respectively, to remain unaltered, or should with the consent of the said Anne Laidlaw, or of her said husband, George Laidlaw, during her life, and after her death at the discretion of the said trustees or trustee sell, call in or convert into money the same or any of them, or any part or parts thereof respectively, and should in the discretion of the said trustees for the time being, and as they might deem most advantageous, invest the moneys produced thereby in the names or name of them, or him, the said trustees, or trustee, in any of the public stocks or funds, or Government securities of the United Kingdom, or of the Dominion of Canada, or of any of the Provinces thereof, or upon the municipal debentures of any municipality in the Province of Ontario, or upon freehold mortgages, or securities in the Dominion of Canada, or in the shares of any Loan or Investment Company or Building Society doing or carrying on business as such in Canada, or in the bonds or debentures of any such Loan or Investment Company or Building Society (but in no other investment), and might with such consent, or at such discretion as aforesaid, vary original investments in said railway bonds, or new investments in the said stocks, funds, debentures or securities into or for others of a like nature of any nature thereby authorized, and should pay the income of the said bonds, and of the investments for the time being representing the same respectively to the said Anne Laidlaw, or her assigns, during the term of her natural life for

her separate use, free from the control of her present, or any future husband ; and after the death of the said Anne Laidlaw should hold the said trust premises and the income thereof, in trust for such person, or persons, or corporation, in such manner and form in every respect as the said Anne Laidlaw should appoint by deed or will, or codicil theretofore or thereafter executed or made, and in default of any such appointment, and so far as no such appointment should extend in trust to pay the annual income to the said George Laidlaw during his life, and after his death to divide the whole of the said trust estate among the children of the said George and Anne Laidlaw, share and share alike, the children of a deceased child to take the share which would have fallen to him or her, had he or she lived ; and it was thereby declared that the said trustees should, after the decease of the said Anne Laidlaw (and in default of an appointment by her as aforesaid), and of her said husband, apply the whole or such part as the said trustees should think fit of the annual income of the share or fortune to which any child should, for the time being, be entitled in expectancy under the trusts thereinbefore declared for or towards the maintenance or education of such child, either directly or to his or her guardians or guardian without seeing to the application thereof, or requiring any account of the same, and should, during suspense of the absolute vesting, accumulate the residue (if any) thereof by investing the same, and the resulting income thereof in or upon any such stocks, funds, debentures or securities, as are thereinbefore mentioned, for the benefit of the person or persons who, under the trust thereinbefore contained, should become entitled to the principal fund from which the same respectively should have proceeded, with power for the said trustees to resort to the accumulations of any preceding year or years, and apply the same for or towards the maintenance or education of the child for the time being, presumptively entitled to the same respectively ; that the said bonds are still in the hands of the said company, and the said petitioner, the said Anne Laidlaw, has made no appointment by deed under the said indenture, and there are other children of the said petitioners, the said George Laidlaw and Anne Laidlaw, who, are under the age of twenty-one years, and who, in case of no appointment by deed or by will of the said petitioner, Anne Laidlaw, are presumptively entitled to a share of the said estate, which said infants are Joseph Howe Laidlaw, Anne Charity Laidlaw and Charles Shedden Ross Laidlaw ; that the said petitioner George Laidlaw is the owner of the following lands in the township of Bexley, in the County of Victoria, containing in all, about 2,121½ acres, which said lands originally cost the said petitioner, George Laidlaw, upwards of the sum of \$17,900, and which said lands may be described as follows :

PARCEL NO. 1.—All and singular, that certain parcel or tract of land and premises situate, lying and being in the Township of Bexley, in the County of Victoria, and Province of Ontario, being composed of the north parts of lots one and two, north of the Portage Road, in the said Township of Bexley, containing ninety-six acres, be the same more or less, bounded and determined on the south by a straight line running east and west across said lots one and two, parallel with the Portage Road, and forty-five chains, more or less, from the Portage Road.

PARCEL No. 2.—All those certain parcels of land situate in the Township of Bexley, in the County of Victoria, composed of lot number three, north of the Portage Road, containing 100 acres, more or less, lot number eight, north of Portage Road, 5 excepting one-half acre heretofore sold by one Hanna, for the purpose of a school house, containing ninety-nine and one-half acres more or less; that part of block E, described as follows: Commencing at the north-western angle of the said block, thence south fifty-two degrees and thirty minutes, east along 10 the western boundary of road allowance between block E and lot number one, in the North-West Bay twenty chains and sixty-one links, more or less, to a point distant seventy-three chains from the Lake Shore, measured along the said western boundary of the said road allowance, thence south eleven degrees and thirty 15 minutes, west fifteen chains and thirty links, parallel to the northwestern boundary of the said block, thence south fifty-two degrees and thirty minutes, east nine chains fifty-four links, thence south thirty-seven degrees and thirty minutes, west twenty chains and eighty-nine links, thence north fifty-two degrees and thirty 20 minutes, west twenty-six chains and eighty-seven links, more or less, to the north-western boundary of the said block, thence north eleven degrees thirty minutes, east along the north-western boundary of the said block thirty-eight chains and fifty links, more or less, to the place of beginning, containing 25 one hundred and five acres more or less, and those parts of lots numbers six, seven and eight, on the North-West Bay lying south of the Lake Shore Road, one hundred and twenty acres.

PARCEL No. 3.—All those certain parcels of land situate in the Township of Bexley, in the said County of Victoria, com- 30 posed of block D, containing one hundred and twenty-six acres, more or less, the north fifty acres of lot number five on the North-West Bay, all those parts of lots numbers six, seven and eight on North-West Bay, lying north-west of the Lake Shore Road, containing two hundred and sixty acres, that part 35 of lot number sixteen on North-West Bay, containing twenty acres more or less, lying north of the east fifty acres of the said lot sold for taxes, and east of the west fifty acres of the said lot sold for taxes, lot number seventeen North-West Bay, containing one hundred acres more or less, and lot eighteen on 40 North-West Bay, containing one hundred acres more or less, and lot number twenty-five on North-West Bay, containing one hundred and twenty acres more or less, and lots number two and three, in the third Concession, excepting the railway over the same, containing three hundred and twenty-five acres, 45 also the north-west sixty acres of lot nineteen North-West Bay.

PARCEL No. 4.—All and singular that certain parcel or tract of land and premises situate lying and being in the Town- ship of Bexley, in the County of Victoria, and Province of 50 Ontario, being composed of lots numbers twenty-three and twenty-four, in the range fronting on North-West Bay of Balsam Lake, in the Township of Bexley, containing two hundred and fifty acres more or less.

PARCEL No. 5.—All and singular those certain parcels or 55 tracts of land and premises situate lying and being in the Township of Bexley, in the County of Victoria, and being

composed of the south halves of lots numbers one and two on the north side of Portage Road, in the said Township of Bexley, containing together ninety acres more or less.

PARCEL NO. 6.—The north halves of lots numbers two and three, south of the Portage Road, containing by admeasurement one hundred acres more or less. 5

That the said petitioner, Anne Laidlaw, owns in her own right a large tract of land in the said Township of Bexley, some of which abuts on, while the remainder is in close proximity to, the property hereinbefore described, and which together 10 comprise what the said petitioners desire shall be a home for themselves and for the said infant children, and the whole of the combined properties are utilized as farming property for the sole benefit of the family, and no part of it has been leased to any one. 15

That throughout the entire year some of the said petitioners reside on the property, but in the summer months all of the said petitioners and the said infant children, simultaneously reside on it, and all are desirous of retaining the same as a homestead. 20

That the said petitioner, George Laidlaw, has expended the sum of \$10,000 and upwards in buildings and improvements of various kinds upon the said lands since he became the owner thereof, and that the same are now well worth the sum of \$25,000. 25

That there are now subsisting mortgages upon the said lands which amount now, for principal and interest together, to something over the sum of \$15,000.

That the said petitioner the said George Laidlaw, in order to meet the wishes of the said petitioner the said Anne Laidlaw and the said other petitioners, is willing to sell the whole of the said lands and property to the said Trusts Company as Trustees, as aforesaid, for the amount of the encumbrances only, and all the petitioners are most desirous that the said Trusts Company may now be authorized and directed to sell and convert 35 into money a sufficient portion of the said bonds now held by them and to invest the proceeds in the purchase of the said properties or any part or parts thereof from the said George Laidlaw for the amount of the encumbrances thereon.

That it is now a favourable time to make a sale of the said 40 bonds and the said petitioners other than the said infants thereby consent and agree that if the said lands should, in case of sale hereafter, not realize the principal sum to be paid as purchase money therefor hereunder, then and in such case any deficiency upon such sale shall be chargeable upon the presumptive share 45 of each of them in the said Trust estate; and have prayed that an Act may be passed authorizing the said, the Toronto General Trusts Company, to sell and convert into money a sufficient portion of the said bonds and to purchase the said lands or any part or parts thereof from the said George Laidlaw for the 50 amount of the incumbrances thereon, not exceeding the sum of \$17,000, to be held thereafter upon the trusts of the said

Indenture of the fourteenth day of October 1884, and have submitted that it should be directed that any deficiency upon the sale of the said property should be chargeable to the presumptive shares and interests of the said petitioners, the adult 5 children of the said petitioners, George Laidlaw and Anne Laidlaw; and whereas it is expedient to grant the prayer of the said petition.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 10 as follows :

1. The said The Toronto General Trusts Company are hereby authorized to convert into money so many of the said Railway bonds held by them under the said deed of trust dated the fourteenth day of October, 1884, and executed by the said 15 Anne Laidlaw, as may be necessary to purchase the whole or any part of the real estate in the said Township of Bexley hereinbefore described, from the said George Laidlaw for the amount of the respective encumbrances thereon, but not to exceed in the aggregate the sum of \$17,000, and such lands so 20 to be purchased, shall be held by the said The Toronto General Trusts Company upon the trusts of the said deed of trust.

Purchase of
lands for pur-
poses of trust
authorized.

2. The Toronto General Trusts Company may, with the consent of the said Anne Laidlaw, or of her said husband 25 George Laidlaw, during her life and after her death at the discretion of the said The Toronto General Trusts Company, sell and convey the whole or any part of the said lands, and upon any such sale shall invest the proceeds thereof, as provided under the said deed of trust for the investment of the moneys 30 produced by the sale of the said railway bonds, and in the event of any loss arising upon and such sale of the said property, the same shall be chargeable to the presumptive shares and interests of the said petitioners, Elizabeth Anne Laidlaw, George Edward Laidlaw, James William Laidlaw and Katharine Mary 35 Grieve Laidlaw, in the said trust estate.

Power to sell
lands, pur-
chased.

No. 28.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to enable the Toronto General
Trusts Company, as Trustees of Anne
Laidlaw, to purchase certain lands.

First Reading,	1886.
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(Private Bill.)

MR. FRASER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the Ontario and Rainy River
Railway Company.

WHEREAS Robert Edwin Mitchell and others have, by Preamble.
their petition, represented that it is desirable that a
railway should be constructed from some point at or near the
town of Port Arthur, in the district of Thunder Bay, to some
5 point on the Rainy River, in the Province of Ontario, between
Fort Francis and the mouth of the said river, with a branch
thereof from some point at or near where the line of latitude
49 crosses the line of longitude 92, to the village of Rat
Portage, and have prayed for an Act accordingly, and whereas
10 it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Robert Edwin Mitchell, William West Russell, Thomas Incorporation.
15 Ambrose Gorham, James McTeigue, Michael Dwyer and
William George Smith, all of the town of Port Arthur, in the
said district, with such other persons and corporations as shall
in pursuance of this Act become shareholders of the said com-
pany, hereby incorporated, are hereby constituted and declared
20 a body corporate and politic, by the name of the Ontario and
Rainy River Railway Company, (hereinafter called the com-
pany) and the said several persons in this section named shall
be provisional directors of the said company.

2. The company shall have full power and authority to Location of
25 construct and operate a railway from some point at or near the line.
town of Port Arthur, in a westerly direction (touching the
village of Fort William) to or near White Fish Lake, thence
north-westerly to some point near where the line of latitude
49 crosses the line of longitude 92, thence in a westerly direction
30 to some point in the Province of Ontario on the Rainy River,
between Fort Francis and the mouth of said river; also to
construct and operate a branch thereof from a point at or near
the crossing of the lines of latitude 49 and longitude 93, in a
north-westerly direction to the village of Rat Portage.

3. The gauge of the said railway shall be four feet, eight Gauge.
35 and one-and-half inches.

4. It shall be lawful for the company, at any point where the Power to
railway or any branch thereof approaches within two miles of purchase, etc.,
any navigable waters, to purchase and hold as its own absolute wharves, etc.

property, and for the use of the company, wharves, piers, docks, water lots and lands, and upon the said water lots and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engine-houses, sheds, wharves, docks, piers, and other erections, for the use of the company and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessels, and to collect wharfage and storage charges for the use of the same, and also to erect, build, repair and maintain all moles, piers, wharves and docks necessary and proper for the protection of such works and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen and enlarge such works and the said wharves, piers and docks, water lots, lands, elevators, storehouses, warehouses, engine-houses, sheds and other erections, or any thereof, or any portions thereof, in its discretion to sell, lease or convey.

Power to purchase and work vessels in connection with the railway.

5. It shall be lawful for the company to purchase, build complete, fit out and charter, sell and dispose of, work and control and keep in repair steam or other vessels from time to time to ply on lakes, rivers and canals of this province in connection with the said railway, and also to make arrangements and agreements with the steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals in connection with the said railway.

Railway Act incorporated.

6. The several clauses of *The Railway Act of Ontario* shall be incorporated with and be deemed to be part of this Act, and shall apply to the company and to the railway to be constructed by them, except so far as they may be inconsistent with the enactments hereof; and the expression "this Act" when used herein shall be understood to include the clauses of the said Railway Act, so incorporated with this Act as aforesaid.

Capital stock.

7. The capital stock of the company shall be \$500,000, in five thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in the company; and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passage of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of such money shall be applied to the making, equipment, completion and working of the said railway and the purposes of this Act.

Provisional directors to hold office until other directors appointed.

8. The provisional directors of the said company shall hold office as such until other directors shall be appointed under the provisions of this Act by the shareholders, and it shall be lawful for the provisional directors, for the time being, of the company, or a majority of them present at a meeting called for the purpose, to supply the place or places of any of their number from time to time dying or declining, or becoming incapable to act as such provisional directors, and to associate with themselves at a meeting called for the purpose of deciding thereon not more than five other persons who shall thereupon become and be provisional directors of the company equally with themselves.

9. The said board of provisional directors shall have full power to open up stock books, and procure subscriptions for the undertaking to make calls upon the subscribers, to cause surveys and plans to be executed and to call a general meeting of the shareholders for the election of directors as hereinafter provided; and with all such other powers as, under *The Railway Act of Ontario*, are vested in ordinary directors; and such provisional directors may appoint a committee from their number to open such stock books, giving at least four weeks' notice in *The Ontario Gazette*, and in one paper published in the town of Port Arthur, of the time and place of meeting, to open such books and to receive such subscriptions, and the said committee, or a majority of them, may in their discretion exclude any person from subscribing.

Powers of
provisional
directors.

10. When and so soon as shares to the amount of \$100,000 and \$10,000 shall have been subscribed and \$10,000 shall have been paid into one of the chartered banks of the Dominion, having an office of the Province of Ontario (which shall on no account be withdrawn therefrom unless for the service of the company) the provisional directors or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in a paper published in the town of Port Arthur, and in *The Ontario Gazette*, of the time, place and object of such meeting; and at such general meeting the shareholders present either in person or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the company in manner and qualified as hereinafter directed; which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

First election
of directors.

11. It shall be lawful for the directors in procuring subscriptions for stock to allot such such stock in such amounts and subject to the payment of such calls of such amount, and at such times and at such discount as they may think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription, or by instalments, and the amount of every such instalment, as and when payable, shall be deemed to be money due in respect of a call duly made in accordance with the provisions contained in section 27 of *The Railway Act of Ontario*, and non-payment of any such instalment shall carry with it all the rights, incidents and consequences as mentioned in the said Act, as in the case of a call due by a shareholder on a share.

Allotment
of stock.

12. The said provisional directors or the elected directors may pay or agree to pay in paid up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way or material, plant, or rolling stock, and also when sanctioned by a vote of shareholders at any general meeting, for the services of promoters or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be pro-

Power to
make certain
payments in
stock or
bonds.

visional directors or not, and any agreement so made shall be binding upon the company.

Annual meetings.

13. The general annual meeting of the shareholders of the company shall be held in such place in the Town of Port Arthur, or at such other place, and on such days, and at such hours, as may be directed by the by-laws of the company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the Town of Port Arthur, during the four weeks preceding the week in which such meeting is to be held. 5 10

Special meetings.

14. Special general meetings of the shareholders of the company may be held at such place in the Town of Port Arthur, or at such other place, and such times, and in such manner, and for such purposes, as may be provided by the by-laws of the company, upon such notice as is provided in the last preceding section. 15

Qualification of directors.

15. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the company upon which all calls have been paid up. 20

Rights of aliens.

16. Aliens as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the company, and all such shareholders shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the company. 25

Quorum of directors.

17. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business. 30

Agreements with other companies.

18. It shall be lawful for the company to enter into any agreement with any company or companies thereto lawfully authorized for leasing to them the said railway or any part thereof, and it shall further be lawful for the company to enter into any agreements with any company or companies for the working of the said railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company or companies, any portion of their railway or the use thereof, and generally to make any agreement or agreements with any other companies touching the use by one or the other or by both companies of the railway, or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding, according to the terms and tenor thereof, and the company or companies leasing or entering into agreement for using the said line, may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line, and to exercise so far as the same are applicable, all the rights, powers and privileges by this Act conferred; provided that every such lease or agreement shall first be sanctioned at a 35 40 45 50

Proviso.

general meeting called for the purpose of considering the same according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting.

- 5 **19.** The company is also authorized and empowered to make necessary arrangements to contract and agree with the Thunder Bay Colonization Railway Company, or the Canadian Pacific Railway Company, if lawfully empowered to enter into such arrangement, or either of them, for amalgamation with
 10 the said companies, or either of them, or for the leasing their said line or any part or parts thereof to the said companies or either of them, and may also make traffic or running arrangements with either of the said companies, provided that the terms of such amalgamation or lease are approved of by two-thirds of
 15 the shareholders present in person or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the
 20 legislative authority of this Province.

Amalgamation with certain companies authorized.

- 20.** It shall be lawful for the directors of the company to enter into agreement with any company or companies, (if lawfully authorized to enter into such an agreement,) person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such
 25 companies or persons for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized for the use by one or more of such contracting companies of
 30 the locomotives, carriages, rolling stock and other moveable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.

Agreements for use of rolling stock, etc.

- 21.** The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not
 35 less than \$100, and any such promissory note or bill of exchange made or endorsed by the president of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill
 40 of exchange shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless
 45 the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to
 50 be circulated as money or as the notes or bills of a bank.

Negotiable instruments.

- 22.** Any municipality through which the said railway may pass is empowered to grant, by way of gift, to the company, any lands belonging to such municipality which may be required for right of way, station grounds or other purposes
 55 connected with the running or traffic of the said railway, and

Grants of land to company.

the company shall have power to accept bonus or bonuses, and also gifts of land, from any government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company.

Power to hold additional property at extremities of railway.

23. The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine houses and other erections for the uses of the said company, and the same or portions thereof in their discretion to sell or convey, and also to make use for the purpose of the said railway of any stream or water-course at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

Power to collect back charges on goods.

24. The said company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges.

Right to use highways.

25. It shall and may be lawful for any municipality through which the said railway passes and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company, and if such highway be either in the possession of, or out of the control of, any joint stock company, then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person for the construction or for the maintenance and repair of gravel or other public roads leading to the said railway.

Telegraph lines.

26. For the purposes of constructing, working and protecting the telegraph lines to be constructed by the company on their line of railway, the powers conferred upon telegraph companies by the *Act Respecting Electric Telegraph Companies* are hereby conferred upon the company, and the other provisions of the said Act for the working and protection of telegraph lines shall apply to any such telegraph lines constructed by the company.

Exemption from taxation.

27. It shall further be lawful for the council of any municipality through which any part of the said railway passes or is situate, by by-law specially passed for that purpose, to exempt the company and its property within such municipality, either wholly or in part, from municipal assessment and taxation, or to agree to a certain sum per annum or otherwise, in gross, by way commutation or composition for payment, or in lieu of all or of any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such

municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed unless in conformity with a condition contained therein.

28. Whenever it shall be necessary for the purpose of procuring sufficient land for stations, or gravel pits, or for constructing, maintaining and using the said railway, and in case by purchasing the whole of any lot or parcel of land over which the railway is to run, the company can obtain the same at a more reasonable price or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use, and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and may sell and convey the same, or part thereof, from time to time, as they may deem expedient, but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section.

Power to acquire more land than is required for use of railway.

29. When stone, gravel, earth or sand is or are required for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway and all the provisions of *The Railway Act of Ontario* and of this Act as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the company either to the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.

Power to acquire more land than required for railway.

30. (1). When said gravel, stone or other material shall be taken under the preceding section of this Act at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material shall be found whatever the distance may be, and all the provisions of the Railway Act of Ontario and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are situated; and such right may be so acquired for a term of years or permanently as the company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed, for the purpose of repairing and maintaining the said railway.

Sidings to gravel pits, etc.

(2)—When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

Issue of bonds. 31. The directors of the company after the sanction of the shareholders shall have been first obtained, at any annual general meeting or any special general meeting to be called from time to time for such purpose, shall have power to issue bonds of the company for the purpose of raising money for prosecuting the said undertaking, and such bonds shall without registration or formal conveyance be taken and considered to be the first and preferential claim and charge upon the undertaking and real property of the company, including its rolling stock and equipments then existing and at any time thereafter acquired; and each holder of the said bonds shall be deemed a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the undertaking and the property of the company as aforesaid, and the company may by by-law before issue, fix and define the amount or denomination of such bonds, the time or times, and the place or places for payment of the principal moneys thereof, and the interest thereon and other particulars in reference thereto. Provided, however, that the whole amount of such issue of bonds shall not exceed in all the sum of two hundred and fifty thousand pounds sterling, and that the rate of interest thereon shall not exceed six per centum per annum; and provided also further, that in the event at any time the interest of the said bonds remaining unpaid and owing them at the next ensuing general meeting of the company, and at all subsequent general meetings so long as such interest or any part thereof shall remain unpaid and in arrear, all holders of bonds shall have and possess the same rights and privileges and qualifications for directors, and for voting and for all purposes as are attached to shareholders, provided that the holder of any such bond or bonds shall have at least three days before any such meeting produced the bond or bonds held by him to the secretary for registration in his name, or that in the case of the holder of any bond or bonds residing in Great Britain and Ireland, and having such bond or bonds in his custody or under his control, then such holder shall have at least three days before any such meeting, produced to the secretary a certificate under the hand and official seal of a notary public stating the numbers of such bond or bonds and that they had been produced before him by such holder, and in either of such cases it shall be the duty of the secretary to register the name of such holder and the numbers of the bonds held by him; but the failure or neglect of the secretary in that respect shall not affect the rights, privileges and qualifications of such holder or holders. Any such bond holder shall be entitled to five votes for every bond of the amount of one hundred pounds sterling held by him or in that proportion.

Power to mortgage bonds.

32. The company hereby incorporated may from time to time for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities which, under the powers of this Act, can be issued for the construction of the railway or otherwise.

Form of conveyance.

33. Conveyances of land to the company for the purposes of and powers given by this Act, made in the form set out in the Schedule A hereunder written or the like effect, shall be sufficient conveyances to the company, their successors and assigns of the estate or interest, and sufficient bar of dower

respectively of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the registry laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof and certificates endorsed on the duplicate thereof.

34. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefore as far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said railway Act and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited, according to the said clauses of the said railway Act and the amendments thereof, with respect to "plans and surveys."
35. 35. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be hereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided always that any such snow fences so erected shall be removed on or before the first day of April following.
36. The railway shall be commenced within _____ years and completed within seven years after the passing of this Act. Time for construction.

SCHEDULE A.

(Section 33.)

Know all men by these presents that I (or we) (insert the name or names of the vendor or vendors) in consideration of

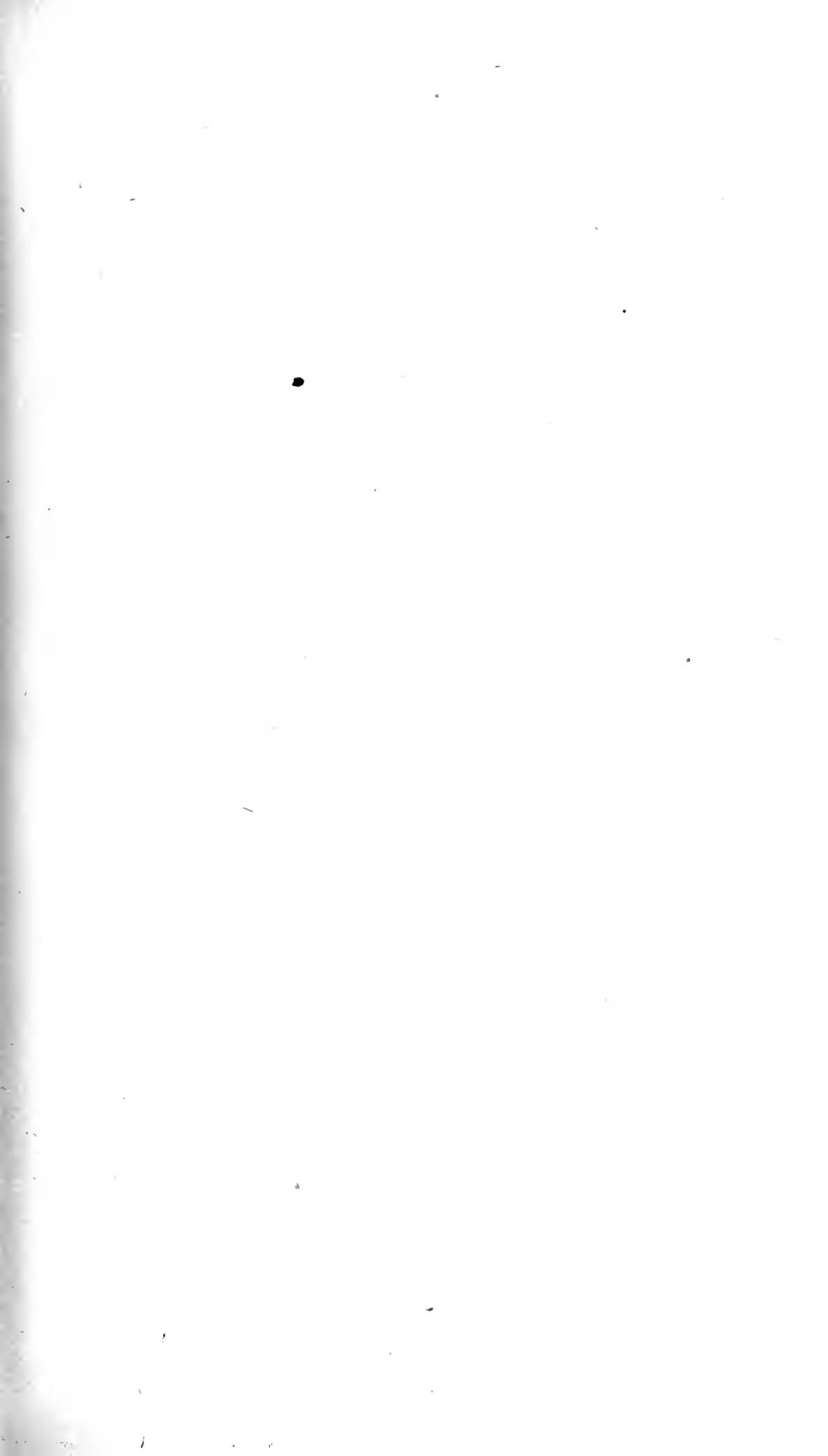
\$, paid to me (or us) by the Ontario and Rainy River Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \$, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels *as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of its railway to hold, with the appurtenances unto the said Ontario and Rainy River Railway Company, its successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said

do hereby bar my (or our) dower to the said lands.

As witness my (or our) hand and seal (or hands and seals) this day of 18 .

Signed, sealed and delivered }
in the presence of

L.S.



No. 29.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to incorporate the Ontario and
Rainy River Railway Company.

First Reading,	1886.
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(Private Bill)

Mr. CONNELL.


TORONTO :
PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.


An Act to Incorporate the Ontario and Rainy River
Railway Company.

WHEREAS Robert Edwin Mitchell and others have, by Preamble.
their petition, represented that it is desirable that a
railway should be constructed from some point at or near the
town of Port Arthur, in the district of Thunder Bay, to some
5 point on Rainy River, in the Province of Ontario, between
Fort Francis and the mouth of the said river, with a branch
thereof from some point at or near where the line of latitude
49 crosses the line of longitude 93, *in a north-westerly direction*
to the village of Rat Portage, and have prayed for an Act
10 accordingly, and whereas it is expedient to grant the prayer of
the said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

15 **1.** Robert Edwin Mitchell, William West Russell, Thomas Incorporation.
Ambrose Gorham, James McTeigue, Michael Dwyer and
William George Smith, all of the town of Port Arthur, in the
said district, *and John H. Bartle, and Angus Sinclair of the*
City of London, in the Province of Ontario, with such other
20 persons and corporations as shall in pursuance of this Act
become shareholders of the said company, hereby incorporated,
are hereby constituted and declared a body corporate and
politic, by the name of "The Ontario and Rainy River Railway
Company," (hereinafter called the company.)

25 **2.** The several clauses of *The Railway Act of Ontario*, shall Railway Act
incorporated.
be incorporated with, and be deemed to be part of this Act,
and shall apply to the said Company, and to the railway to be
constructed by them, except only so far as they may be incon-
sistent with the express enactments hereof; and the expression
30 "this Act," when used herein, shall be understood to include
the clauses of the said Railway Act so incorporated with this
Act. 

3. The Company shall have full power and authority to Location of
line.
construct and operate a railway from some point at or near the
35 Town of Port Arthur, in a westerly direction, (touching the
Village of Fort William) to or near White Fish Lake, thence
north-westerly to some point on Rainy River, between Fort
Francis and the mouth of the said river: also to construct and
operate a branch thereof from a point at or near the crossing
40 of the lines of latitude 49, and longitude 93, in a north-
westerly direction, to the Village of Rat Portage. 

Gauge.

4. The gauge of the said railway shall be four feet, eight and one-half inches.

Provincial Directors.

5. The persons named in section 1 of this Act, with power to add to their number, shall be, and are hereby constituted a board of provisional directors of the said Company, and shall hold office as such, until the first election of directors under this Act.

Powers of Provincial Directors.

6. The said board of provisional directors shall have full power forthwith to open stock books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payment on account of stock subscribed, and to make calls upon subscribers in respect to their stock and to sue for, and recover the same; and to cause plans and surveys to be made, and to receive for the Company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion exclude any one from subscribing for stock who, in their judgment would hinder, delay or prevent the Company from proceeding with and completing their undertaking under the provisions of this Act; and if, at any time a portion, or more than the whole stock shall have been subscribed, the said provisional directors, or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous, and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the said Town of Port Arthur, or at such other place as may best suit the interest of the said Company.

Form of conveyances.

7. Conveyances of lands to the said Company for the purposes of, and powers given by this Act, made in the form set forth in schedule A, hereunder written, or to the like effect, shall be sufficient conveyance to the said Company, their successors and assigns of the estate or interest therein mentioned, and sufficient bar of dower, respectively, of all persons executing the same; and such conveyances shall be registered in such manner, and upon such proof of execution as is required under the Registry Laws of Ontario; and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicates thereof.

Subscriptions for stock to be subject to approval of directors, etc.

8. No subscription for stock in the capital of the Company shall be binding on the said Company unless it shall be approved by resolution of the directors, nor unless ten per centum of the amount subscribed has been actually paid thereon within one month after subscription.

Aid to company.

9. The said Company may receive, either from any Government, or from any persons or bodies corporate, municipal or

politic, who may have power to make or grant the same, bonuses, loans or gifts of money or securities for money, in aid of the construction, equipment or maintenance of the said railway, upon such terms and conditions as may be agreed upon.

10 **10.** The capital of the Company hereby incorporated shall be \$8,000,000, (with power to increase the same in the manner provided by *The Railway Act of Ontario*), to be divided into eighty thousand shares of \$100 each, and shall be raised by the persons and corporations who may become shareholders in such Company; and the money so raised shall be applied, in the first place, to the payment of all fees, expenses, and disbursements of and incidental to the passing of this Act, and for making the surveys, plans and estimates connected with the works hereby authorized; and the remainder of said money shall be applied to the making, equipping, completing and maintaining of the said railway, and to the other purposes of this Act.

Capital stock.
Number of
directors.

20 **11.** When, as soon as shares to the amount of \$500,000 in the capital stock of the said Company shall have been subscribed, and ten per centum paid thereon, into a chartered bank of the Dominion, having an office in the Province of Ontario, to the credit of the Company, and which shall, on no account, be withdrawn therefrom unless for the services of the Company, the provisional directors, or a majority of them present, at a meeting duly called for the purpose, shall call a general meeting of the shareholders, for the purpose of electing directors of the said Company, giving at least four weeks' notice by advertisement in the *Ontario Gazette*, and in one or more newspapers published in the said Town of Port Arthur, of the time, place and purpose of said meeting.

Number of
directors.

35 **12.** At such general meeting the shareholders present who shall have paid up ten per centum on their shares with such proxies as may be present, shall elect not less than five, and not more than seven persons, as hereinafter mentioned, to be directors of the said Company, and may also pass such rules, regulations, and by-laws as may be deemed expedient, provided they be not inconsistent with this Act, and *The Railway Act of Ontario*.

Number of
directors.

45 **13.** No person shall be qualified to be elected as such director by the shareholders unless he be a shareholder holding at least ten shares of stock in the said Company, and unless he has paid up all calls thereon.


Qualification
directors.

50 **14.** Thereafter the general annual meeting of the shareholders of the said Company shall be held in such place in the said Town of Port Arthur, or in such other place, and on such days, and at such hours as may be directed by the by-laws of the Company; and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the said Town of Port Arthur during the four weeks preceding the week in which such meeting is to be held.



Annual
meeting.

55 **15.** Special general meetings of the shareholders of said



Special
meetings.

Company may be held at such place, and at such times, and in such manner, and for such purposes as may be provided by the by-laws of said Company, and upon such notice as is provided in the last preceding section. 

Calls.

 16. The directors may, from time to time, make calls as they shall think fit, provided that no call shall be made at any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 11 of this Act. 

Rights of
aliens.



 17. Aliens and companies incorporated abroad, as well as British subjects and corporations, may be shareholders in the said Company, and all such shareholders, whether resident in this Province or elsewhere, shall be entitled to vote on their shares equally with British subjects, and shall also be eligible to office as directors in the said Company. 

15

Quorum of
directors.

18. At all meetings of the board of directors, whether of provisional directors or of those elected by the shareholders, five directors shall form a quorum for the transaction of business.

Agreements
with other
companies.

19. It shall be lawful for the company to enter into any agreement with  the Thunder Bay Colonization Railway Company, or the Canadian Pacific Railway Company, if lawfully empowered to enter into such agreement,  for leasing to them the said railway or any part thereof, and it shall further be lawful for the company to enter into any agreements *with the said companies or either of them*, for the working of the said railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting companies may agree on, or for leasing and hiring from such other contracting company or companies, any portion of their railway or the use thereof, and generally to make any agreement or agreements with *the said companies* touching the use by one or the other or by both companies of the railway, or the rolling stock of either or both, or any part thereof, or touching any service to be rendered by the one company to the other, and the compensation therefor, and any such agreement shall be valid and binding, according to the terms and tenor thereof, and the company or companies leasing or entering into agreement for using the said line, may and are hereby authorized to work the said railway in the same manner and in all respects as if incorporated with its own line, and to exercise so far as the same are applicable, all the rights, powers and privileges by this Act conferred; provided that every such lease or agreement shall first be sanctioned at a general meeting called for the purpose of considering the same according to the by-laws of the company and the provisions of this Act, by the vote of two-thirds in value of the shareholders present in person or by proxy at such meeting.

Proviso.

Amalgama-
tion with
certain
companies
authorized.

20. The company is also authorized and empowered to make necessary arrangements to contract and agree with the Thunder Bay Colonization Railway Company, or the Canadian Pacific Railway Company, if lawfully empowered to enter into such arrangement, or either of them, for amalgamation with the said companies, or either of them, or for the leasing their said


line or any part or parts thereof to the said companies or either of them, and may also make traffic or running arrangements with either of the said companies, provided that the terms of such amalgamation or lease are approved of by two-thirds of the shareholders present in person or represented by proxy at a special general meeting to be held for that purpose in accordance with this Act; but nothing in this or the preceding section shall be construed as purporting or intending to confer rights or powers upon any company which is not within the legislative authority of this Province.

21. It shall be lawful for the directors of the company to enter into agreement with any company or companies, (if lawfully authorized to enter into such an agreement,) person or persons, for the leasing, hiring or use of any locomotives, carriages, rolling stock and other moveable property from such companies or persons for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized for the use by one or more of such contracting companies of the locomotives, carriages, rolling stock and other moveable property of the other or others of them, on such terms as to compensation and otherwise as may be agreed upon.



22. The company shall have power and authority to become parties to promissory notes and bills of exchange, for sums not less than \$100, and any such promissory note or bill of exchange made, *accepted* or endorsed by the president or *vice-president* of the company, and countersigned by the secretary of the said company, and under the authority of a quorum of the directors, shall be binding on the company, and every such promissory note or bill of exchange so made shall be presumed to have been made with proper authority until the contrary be shewn; and in no case shall it be necessary to have the seal of the company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors as herein provided and enacted; provided however, that nothing in this section shall be construed to authorize the company to issue any note or bill of exchange payable to bearer or intended to be circulated as money or as the notes or bills of a bank.

23. Any municipality through which the said railway may pass is empowered to grant, by way of gift, to the company, any lands belonging to such municipality, *or over which it may have control*, which may be required for right of way, station grounds or other purposes connected with the running or traffic of the said railway, and the company shall have power to accept gifts of land, from any government, or any person, or any body politic or corporate, and shall have power to sell or otherwise dispose of the same for the benefit of the company.



24. The provisional directors, or the elected directors may pay, or agree to pay in paid-up stock, or in the bonds of the said company, such sums as they may deem expedient, to engineers or contractors, or for right of way, or material, plant or rolling stock, and also, when sanctioned by a vote of the shareholders

at any general meeting, for the services of the promoters or other persons who may be employed by the directors in furthering the undertaking, or for the purchase of right of way, material, plant or rolling stock, whether such promoters or other persons be provisional or elected directors or not; and any agreement so made shall be binding on the company. 



Acquiring
lands for
stations,
gravel pits,
etc.

 25. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel pits, or for constructing, maintaining and using the said railway, and in case, by purchasing the whole of any lot or parcel of land 10 over which the railway is to run, the company can obtain the same at a more reasonable price, or to greater advantage than by purchasing the railway line only, the company may purchase, hold, use and enjoy such lands, and also the right of way thereto, if the same be separated from their railway, and 15 may sell and convey the same, or any part thereof, from time to time, as they may deem expedient; but the compulsory clauses of *The Railway Act of Ontario* shall not apply to this section. 

Acquiring
gravel, etc.,
for construc-
tion and main-
tenance of
railway.

 26. When stone, gravel, earth or sand is or are required 20 for the construction or maintenance of said railway or any part thereof, the company may, in case they cannot agree with the owner of the lands on which the same are situate, for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall 25 serve a copy thereof with their notice of arbitration, as in case of acquiring the roadway, and the notice of arbitration, the award and the tender of the compensation, shall have the same effect as in case of arbitration for the roadway; and all the provisions of *The Railway Act of Ontario*, and of this Act, as 30 to the service of the said notice, arbitration, compensation, deeds, payment of money into Court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid; and such proceed- 35 ings may be had by the said company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take materials for any time they shall think necessary; the notice of arbitration, in case arbitration is resorted to, to state the interest required.  40

Sidings to
gravel pits.

 27.—(1) When said gravel, stone, earth or sand shall be taken under the preceding section of this Act, at a distance from the line of the railway, the company may lay down the necessary sidings and tracks over any lands which may intervene between the railway and the lands on which said material 45 shall be found, whatever the distance may be; and all the provisions of *The Railway Act of Ontario* and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the railway to the land on which such materials are 50 situated; and such right may be so acquired for a term of years, or permanently, as the company may think proper; and the powers in this and the preceding section may at all times be exercised and used in all respects after the railway is constructed for the purpose of repairing and maintaining the said railway. 

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

28. The directors of the said company, after the sanction
5 of the shareholders shall have first been obtained at any special
general meeting to be called from time to time for such pur-
pose, shall have power to issue bonds, made and signed by the
President or Vice-President of the said company, and counter-
signed by the Secretary, and under the seal of the said
10 company, for the purpose of raising money for prosecuting
the said undertaking; and such bonds shall, without regis-
tration or formal conveyance, be taken and considered to be
the first and preferential claims and charges upon the under-
taking and the real property of the company, including its
15 rolling stock and equipments then existing, and at any time
thereafter acquired; and each holder of the said bonds shall
be deemed to be a mortgagee and incumbrancer, *pro rata*,
with all the other holders thereof, upon the undertaking and
property of the company as aforesaid: provided, however,
20 that the whole amount of such issue of bonds shall not
exceed in all the sum of \$20,000 per mile; and provided
that in the event at any time of the interest upon the
said bonds remaining unpaid and owing, then, at the next ensu-
ing general annual meeting of the said company all holders
25 of bonds shall have and possess the same rights, privileges and
qualifications for directors and for voting as are attached to
shareholders: provided further, that the bonds and any trans-
fers thereof shall have been first registered in the same manner
as is provided for the registration of shares, and it shall be the
30 duty of the Secretary of the company to register the same on
being required to do so by any holder thereof.

Issue of
bonds.

Proviso.

Proviso.

Proviso.

29. All such bonds, debentures and other securities and
coupons and interest warrants thereon respectively, may be made
payable to bearer and transferable by delivery, and any holder
35 of any such securities so made payable to bearer, may sue at
law thereon in his own name.

Form of
bonds.

30. The company hereby incorporated may from time to
time for advances of money to be made thereon, mortgage or
pledge any bonds, debentures or mortgage securities which
40 under the powers of this Act, can be issued for the construction
of the railway or otherwise.


Power to
mortgage
bonds.

31. Shares in the capital stock of the said company may
be transferred by any form of instrument in writing, but no
transfer shall become effectual unless the stock or scrip certi-
45 ficates issued in respect of shares intended to be transferred are
surrendered to the company, or the surrender thereof dispensed
with by the company.


Transfer of
shares.

32. The corporation of any municipality through any part
of which the railway of the said company passes, or in which
50 it is situate, is empowered by by-law specially passed for that
purpose, to exempt the said company and its property within
such municipality, either in whole or in part from municipal
assessment or taxation, or to agree to a certain sum per annum,
or otherwise in gross, by way of commutation or composition



Exemption
from muni-
cipal taxation.

for payment, or in lieu of all or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and no such by-law shall be repealed, unless in conformity with a condition contained therein.  5



Power to purchase, etc. wharves, etc.

 **33.** It shall and may be lawful for the company at any point where the railway, or any branch thereof, approaches within two miles of any navigable waters, to purchase and hold as its own absolute property, and for the use of the company, 10 wharves, piers, docks, water lots, water frontages, and lands; and upon the said water lots, water frontages and lands, and in and over the waters adjoining the same, to build and erect elevators, storehouses, warehouses and engine houses, sheds, wharves, docks, piers and other erections, for the use of the 15 company, and the steam and other vessels owned, worked or controlled by the company, or any other steam or other vessel; and to collect wharfage and storage charges for the use of the same; and also to erect, build, repair, and maintain all moles, piers, wharves and docks necessary and proper for the protec- 20 tion of such works, and for the accommodation and convenience of vessels entering, leaving, lying, loading and unloading within the same, and to dredge, deepen, and enlarge such works; and the said wharves, piers, and docks, water lots, water frontages, lands, elevators, storehouses, warehouses, engine houses, sheds 25 and other erections, or any thereof, or any portions thereof, in its discretion to sell, lease, or convey.



Power to purchase and work vessels in connection with the railway.

 **34.** It shall and may be lawful for the company to purchase, build, complete, fit out and charter, sell and dispose of, work and control, and keep in repair, steam or other vessels, 30 from time to time to ply on lakes, rivers and canals of this Province, in connection with the said railway; and also to make arrangements and agreements with steamboat and vessel proprietors, by chartering or otherwise, to ply on the said lakes, rivers and canals, in connection with the said railway.  35

Power to hold additional property at extremities of railway.

 **35.** The said company shall have power to purchase and hold such land as may be required at each extremity of the said railway for the purpose of building thereon storehouses, warehouses, engine houses and other erections for the uses of the said company, and the same or portions thereof in their 40 discretion to sell or convey, and also to make use for the purpose of the said railway or any stream or water course, at or near which the said railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or water course.  45

Power to collect back charges on goods.

 **36.** The said company shall have power to collect and receive all charges, subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as 50 the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons for such charges. 

37. It shall, and may be lawful for any municipality through which the said railway passes and having jurisdiction in the premises, to pass a by-law or by-laws empowering the company to make their road, and lay their rails along any of the highways within such municipality, and whether or not the same be in possession or under the control of any joint stock company, and if such highway be either in the possession of, or under the control of any joint stock company, then also with the assent of such company, and it shall and may be lawful for the company to enter into and perform any such agreement as they may from time to time deem expedient, with any municipality, corporation or person for the construction, or for the maintenance and repair of gravel or other public roads leading to the said railway.

Right to use highways.

38. The said company may also construct a telephone line and an electric telegraph line in connection with their railway, and for the purpose of constructing, working and protecting the said telephone and telegraph lines, the powers conferred upon telegraph companies by *The Act Respecting Electric Telegraph Companies* (chapter 151 of *The Revised Statutes of Ontario*), are hereby conferred upon the said company.

Telephone and telegraph lines.

39. The company is hereby authorized and empowered to take and make the surveys and levels of the land through which the railway of the company is to pass, together with the map or plan thereof, and of its course and direction, and of the lands intended to be passed over and taken therefor as far as then ascertained, and also the book of reference for the railway, and to deposit the same as required by the clauses of *The Railway Act of Ontario* and amendments thereto, with respect to "plans and surveys" by sections or portions less than the whole length of the said railway authorized, of such length as the company may from time to time see fit, so that no one of such sections or portions shall be less than ten miles in length, and upon such deposit as aforesaid of the map or plan and book of reference of any and each of such sections or portions of the said railway, all and every of the clauses of the said Railway Act and the amendments thereof applied to, included in, or incorporated with this Act, shall apply and extend to any and each of such sections or portions of the said railway, as fully and effectually as if the surveys and levels had been taken and made of the lands through which the whole of the said railway is to pass, together with the map or plan of the whole thereof and of its whole course and direction and of the lands intended to be passed over and taken, and the book of reference for the whole of the said railway had been taken, made, examined, certified and deposited, according to the said clauses of the said Railway Act and the amendments thereof, with respect to "plans and surveys."

Construction in ten mile sections.

40. The company shall have the right on and after the first day of November in each year to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever, lying along the route or line of the said railway, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be thereafter established in the manner provided by law in respect of such railway to have been actually suffered: provided always that

Power to erect snow fences.

any such snow fences so erected shall be removed on or before the first day of April following.

Time for
construction.

41. The railway shall be commenced within *three* years and completed within seven years after the passing of this Act.

5

SCHEDULE A.

(Section 7.)

Know all men by these presents that I (or we) (*insert the name or names of the vendor or vendors*) in consideration of \$, paid to me (or us) by the Ontario and Rainy River Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said company, and I (or we) (*insert the name or names of any other party or parties*) in consideration of \$, paid to me (or us) by the said company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels *as the case may be*) of land, (*describe the land*) the same having been selected and laid out by the said company for the purposes of *their* railway to hold, with the appurtenances unto the said Ontario and Rainy River Railway Company, *their* successors and assigns, (*here insert any other clauses, conditions and covenants required*) and I (or we) wife (or wives) of the said do hereby bar my (or our) dower to the said lands. As witness my (or our) hand and seal (or hands and seals) this day of 18 .

Signed, sealed and delivered }
in the presence of }

L.S.

No. 29.

3rd Session, 5th Legislature, 49 Vic, 1886

BILL.

An Act to incorporate the Ontario and
Rainy River Railway Company.

*(Reprinted as amended by Railway
Committee.)*

First Reading, 12th February, 1886.

(Private Bill.)

Mr. CONNELL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act Incorporating The Regular Baptist Missionary Convention of Ontario.

WHEREAS the Regular Baptist Missionary Convention of Preamble.

Ontario has prayed for an Act to amend its Act of Incorporation and to change the name of the said Convention; and whereas it is expedient to grant the said petition;

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The name of the said corporation is hereby changed Name from "The Regular Baptist Missionary Convention of Ontario," changed.
10 to "The Regular Baptist Missionary Society of Ontario."

2. The words, "throughout the said Province," in the Preamble of seventh line of the preamble to the said Act of incorporation, 35 V. c. 110, passed in the 35th year of Her Majesty's reign, chapter 110, amended, are hereby struck out.

No. 30.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act Incorporating the
Regular Baptist Missionary Convention
of Ontario.

First Reading,	1886.
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(Private Bill.)

Mr. DRYDEN.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to confirm the Sale of certain Lands by the
Congregation of the Church of England, in the
Parish of St. Thomas, in the City of St Thomas.

WHEREAS, by the petition of the Congregation of the Parish of St. Thomas, in the City of St. Thomas, in the Ecclesiastical Diocese of Huron, it appears that in the year 1877 the said congregation purchased certain lands in St. Thomas for their use as a parsonage or residence for the Incumbent of the said Parish, and that by indenture dated the 17th day of April, 1877, the said lands were conveyed to John Alexander Kains and Charles Oaks Ermatinger, of St. Thomas, aforesaid, upon trust *inter alia* so soon as all incumbrances upon the property should be cleared off, to convey the same to the Incorporated Synod of the said Diocese of Huron for the use of the said Parish as a Rectory, Parsonage or Residence for the Incumbent; and whereas it also appears that all incumbrances upon the said lands have been paid off but the said lands have not been conveyed to the said Synod, and whereas it also appears that that part of the said lands hereinafter described is no longer required for the use of the Incumbent or Rector of the said Parish, and that the said congregation have empowered the said trustees to sell the same, and that they have accordingly sold the same to Amy Bennett, of St. Thomas, and executed a deed to her therefor; and whereas the petitioners have prayed that an Act may be passed to confirm the said sale and to make valid the said conveyance; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The sale by the Congregation of the Parish of St. Thomas, in the City of St. Thomas, in the Ecclesiastical Diocese of Huron, to Amy Bennett, the wife of Edwin Bennett, of St. Thomas aforesaid, of city lot number two, in block letter Q, in the city of St. Thomas, in the County of Elgin, forming part of lot three in the eighth concession of the township of Yarmouth, as shown on a plan registered in the Registry Office of the County of Elgin, made by Daniel Hanvey, Provincial Land Surveyor, and which lot forms part of the lands held for the said congregation of the Parish of St. Thomas, for the use of the Rector of the said Parish as a residence, is hereby confirmed.

2. A certain conveyance of the said lands, dated the twenty-first day of December, 1885, made by John Alexander Kains

Preamble.

Sale to A. Bennett confirmed.

Conveyance to A. Bennett confirmed.

and Charles Oaks Ermatinger, the trustees for the said congregation, to the said Amy Bennett, her heirs and assigns, is hereby declared valid and effectual to vest all the estate of the said congregation and of the Synod of the Diocese of Huron and the said John Alexander Kains and Charles Oaks Ermatinger as such trustees in the said lands, in the said Amy Bennett, her heirs and assigns for ever, and the same is hereby vested accordingly. 5

No. 31.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to confirm the Sale of certain Lands
by the Congregation of the Church of
England, of the Parish of St. Thomas, in
the City of St. Thomas.

First Reading,	1886.
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(Private Bill)

Mr. ERMATINGER.

TORONTO

PRINTED BY WEAVER & SONS, 26 AND 28 FRONT ST. W.

An Act to confirm the Sale of certain Lands by the
Congregation of the Church of England, in the
Parish of St. Thomas.

WHEREAS, by the petition of the Congregation of the Parish of St. Thomas, in the City of St. Thomas, in the Ecclesiastical Diocese of Huron, it appears that in the year 1877 the said congregation purchased certain lands in St. Thomas for their use as a parsonage or residence for the Incumbent of the said Parish, and that by indenture dated the 17th day of April, 1877, the said lands were conveyed to John Alexander Kains and Charles Oaks Ermatinger, of St. Thomas, aforesaid, upon trust *inter alia* so soon as all incumbrances upon the property should be cleared off, to convey the same to the Incorporated Synod of the said Diocese of Huron for the use of the said Parish as a Rectory, Parsonage or Residence for the Incumbent; and whereas it also appears that all incumbrances upon the said lands have been paid off but the said lands have not been conveyed to the said Synod, and whereas it also appears that that part of the said lands hereinafter described is no longer required for the use of the Incumbent or Rector of the said Parish, and that the said congregation have empowered the said trustees to sell the same, and that they have accordingly *contracted to sell* the same; and whereas the petitioners have prayed that an Act may be passed to confirm the said sale and to *empower the said trustees to make a conveyance* thereof, and whereas the said Synod is willing that the prayer of the said petition should be granted; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

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1. John A. Kains and Charles Oaks Ermatinger, the trustees for the Congregation of the Parish of St. Thomas, in the City of St. Thomas, in the Ecclesiastical Diocese of Huron, are hereby empowered to sell and absolutely dispose of the following lands, namely:—City lot number two, in block letter Q, in the city of St. Thomas, in the County of Elgin, forming part of lot three in the eighth concession of the township of Yarmouth, as shown on a plan registered in the Registry Office of the County of Elgin, made by Daniel Hanvey, Provincial Land Surveyor, freed and absolutely discharged from all trusts under which said lands were held for the use of the said congregation of the Parish

Sale to A. Bennett confirmed.

of St. Thomas, for the use of the Rector of the said Parish as a residence.

Conveyance to
A. Bennett
confirmed.

2. *The said John Alexander Kains and Charles Oaks Ermatinger, the said trustees are hereby empowered to make a valid and effectual conveyance to vest all the estate of the said congregation and of the Synod of the Diocese of Huron and the said John Alexander Kains and Charles Oaks Ermatinger as such trustees in the said lands, in the purchaser, his heirs and assigns for ever, freed and discharged from all the said trusts affecting the same.*

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No. 31.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to confirm the Sale of certain Lands by the Congregation of the Church of England, of the Parish of St. Thomas.

(Reprinted as amended by Private Bills Committee.)

First Reading, 22nd February, 1886.

(Private Bill.)

Mr. ERMATINGER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 32.]

BILL.

[1886.]

An Act respecting the Midland Junction Railway Company.

WHEREAS the Midland Junction Railway Company have Preamble.
petitioned that an Act may be passed to amend the
Act for the incorporation of the said company, passed in the
47th year of Her Majesty's reign, and chaptered 70, so as to
5 further extend the time for the commencement and for the
completion of the line of the said company for a period of
three years from the respective times fixed therefor by the
said Act; and whereas it is expedient to grant the prayer
of the said petition;
10 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. The time for the commencement of the said railway is Time for
hereby extended for the period of three years from the passing commence-
15 of this Act, and the time for the completion thereof is hereby ment and
extended for five years after the passing of this Act. completion.
extended.

No. 32.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Midland Junction
Railway Company.

First Reading,	1886.
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(Private Bill)

Mr. DRURY.

TORONTO :

PRINTED BY WATKINS & SONS, 26 AND 28 FRONT ST. W.

An Act to Authorize the Town of Ingersoll to Issue
Certain Debentures.

WHEREAS the Municipal Corporation of the Town of Ingersoll by their petition have represented that they have at various times passed certain by-laws authorizing the issue of debentures in aid of railways, the erection of public school buildings and other permanent improvements, and have issued under such by-laws debentures creating debts to the amount of \$102,000, which said debentures (with the exception of \$26,000, which matured and were paid on the 1st January, 1886), are all now outstanding, being the sum of \$76,000, which fall due at various times, and no funds have been provided by way of sinking fund or otherwise, for redeeming any portion of the said outstanding debentures; and whereas the said corporation of the Town of Ingersoll have incurred other debts and liabilities to the amount of \$18,000 or thereabouts, for which no provision has been made, making a total outstanding indebtedness of \$94,000; and whereas the said corporation did receive from the Credit Valley Railway Company, bonds of the said company to the amount of \$50,000, in exchange for \$50,000 of the debentures of the said Town of Ingersoll, and which said debentures form a part of the said \$76,000 of debentures now outstanding; and whereas the said corporation of the Town of Ingersoll did afterwards exchange the said bonds of the Credit Valley Railway Company and accrued interest thereon, for permanent debenture stock in the Ontario and Quebec Railway Company to the amount of £11,716 sterling, which said debenture stock in said railway company is now held by the said town of Ingersoll for the purpose, and is intended to be applied towards the payment of the said \$50,000 of debentures of the said town so exchanged for the said bonds; and whereas in paying the debentures to the amount of \$26,000 of the said town which matured on the 1st January, 1886, there was used and applied the sum of \$5,453.38, which had been levied and raised, as a sinking fund, by assessment upon the taxable property of the public school supporters in the said town, to apply towards the payment of debentures to the amount of \$10,000 issued for public school purposes, which form a part of the said \$26,000, for which debentures are now outstanding as aforesaid, and which are the only debentures which have been issued for public school purposes by the said Town of Ingersoll; and whereas the said corporation of the Town of Ingersoll desire to sell, at such time or times as may be deemed most advisable, the said permanent debenture stock in the Ontario and Quebec Railway Company now held by the said town, and have the proceeds thereof specifically applied to the payment

of the said debentures or other outstanding indebtedness of the said town that now exists, and further to raise by assessment upon the taxable property of public school supporters in the said town the sum of \$4,546.62 only, to complete and fulfill the obligation resting on the said public school supporters, to provide for the balance of the payment of the said \$10,000 of debentures issued for public school purposes, and to consolidate the said debts of \$94,000, and to discharge the said indebtedness by the application of the proceeds of the sale of the said permanent debenture stock in the Ontario and Quebec Railway Company, and by the issue of new debentures to such amount as may be necessary to discharge the balance of the said indebtedness after applying the proceeds of the sale of the said permanent debenture stock, but not to exceed in any case the said sum of \$94,000; and whereas the said corporation have prayed for the passing of an Act to entitle them to carry out the said object, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated at the sum of \$94,000.

1. The debts of the corporation of the Town of Ingersoll are hereby consolidated at the sum of \$94,000, and it shall and may be lawful for the said corporation of the Town of Ingersoll to raise by way of loan upon the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same a sum of money not exceeding \$94,000 of the lawful money of Canada.

Authority to pass by-laws for issue of new debentures.

2. It shall be lawful for the said corporation of the Town of Ingersoll, in the County of Oxford, to pass a by-law, or from time to time pass by-laws, authorizing the said loan of \$94,000, and the issuing of debentures therefor in accordance with this Act, and to impose in and by said by-law a special rate per annum on the whole ratable property of the said municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient, together with the sum hereinafter authorized to be raised by assessment on the taxable property of the supporters of public schools, to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal (when the same shall fall due) of the debentures hereby authorized to be issued.

Special rate to be levied on public school supporters.

3. The said municipal corporation of the Town of Ingersoll shall raise by assessment upon the taxable property of public school supporters, over and above and in addition to all other rates, such sum or sums, from year to year, and proportionately in each year, as shall in the aggregate amount to the sum of \$4,546.62 and no more, which shall form a part of the Consolidated Loan Rate for the purpose specified in the preceding section of this Act.

Debentures may be issued to the amount of \$94,000.

4. It shall be lawful for the municipal council of the said corporation of the Town of Ingersoll, after the passing of such

by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation, under the corporate seal, signed by the Mayor and countersigned by the Treasurer of the said corporation for the time
 5 being, for such sums not exceeding in the whole the said sum of \$94,000, as the said council shall direct and appoint, bearing interest at a rate not exceeding six per cent. per annum, payable yearly or half yearly, as by said by-law or by-laws may be provided.

- 10 5. The principal sum to be secured by the debentures to be issued under the preceding section of this Act, shall be payable either in sterling or currency, and the same with the interest accruing thereon may be made payable either in this Province, or in Great Britain, or elsewhere, as the said council may, by
 15 the by-law or by-laws, direct or shall deem expedient; and a portion of the said debentures issued under any such by-law shall be made payable in each year for thirty years from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal
 20 and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Debentures when and how payable.

6. It shall be lawful for the municipal council of the said corporation of the Town of Ingersoll, after the passing of a
 25 by-law or by-laws authorizing the same in accordance with this Act, to sell or cause to be sold the whole or any part of the said permanent debenture stock in the Ontario and Quebec Railway Company of £11,716 sterling, now held by the said Town of Ingersoll at the best price obtainable.

Power to sell debenture stock of Ontario and Quebec Railway Company belonging to town.

- 30 7. The funds derived from the negotiation and sale of said debentures, and from the sale of the said permanent debenture stock in the Ontario and Quebec Railway Company when sold, shall be applied in and toward the payment of the said debts of \$94,000 and not otherwise, and for that purpose the
 35 said council shall and it shall be the duty of the treasurer, by and with the consent and approbation of the council, from time to time to invest all moneys so received, either in the redemption of any of the debentures hereby authorized to be issued, or in the redemption of any of the said \$94,000 of
 40 debentures and other debt now outstanding or in Government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, but not to a greater extent than one half the assessed value of such real estate, or in such manner
 45 as the Lieutenant-Governor in Council may, by general or special order direct, or he may deposit the same in any chartered bank of the Dominion of Canada that the council may from time to time approve.

Application of funds.

8. It shall not be necessary to obtain the assent of the
 50 electors of the said town to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*.

Assent of electors to by-laws not required.

Outstanding debentures may be called in.

9. The treasurer of the said town shall, on receiving intructions from said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the now outstanding debts and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may, with the like consent, substitute therefor the said debentures, or any of them, hereinbefore authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debt and liabilities.

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By-laws not to be repealed until debt satisfied.

10. Any by-law to be passed under section 2 of this Act, and in pursuance of the provisions of this Act authorising the said loan, shall not be repealed until the debt created under such by-law and the interest thereon, shall be paid and satisfied.

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Treasurer to keep books, shewing state of debenture account.

11. It shall be the duty of the treasurer, from time to time, of the said town, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payments of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts, and as to so much thereof as shall, at any time or times, be deposited or invested as directed by section 7 of this Act: the said book of account and statement shall set forth and shew the amount and the place and places of such deposits and the amount, the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall, from time to time, be made, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

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Inconsistent provisions in Municipal Acts not to apply.

12. Every debenture issued under the authority of this Act shall have upon the face of it written and printed the words "Consolidated Loan Debenture," and any provisions in the Act respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form, either of the said debentures authorized to be issued by this Act, or by the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

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13. Sections 411, 412 and 413 of *The Consolidated Municipal Act, 1883*, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act. 46 V. c. 18, ss. 411-413 incorporated in this Act.

5 14. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Ingersoll from any indebtedness or liability which may not be included in the said indebtedness above stated. Liability of corporation not discharged.

No. 33.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to authorize the Town of Ingersoll
to issue certain Debentures.

First Reading,	1886.
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(Private Bill.)

Mr. COOKE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Authorize the Town of Ingersoll to Issue
Certain Debentures.

WHEREAS the Municipal Corporation of the Town of Ingersoll by their petition have represented that they have at various times passed certain by-laws authorizing the issue of debentures in aid of railways, the erection of public school buildings and other permanent improvements, and have issued under such by-laws debentures creating debts to the amount of \$102,000, which said debentures (with the exception of \$26,000, which matured and were paid on the 1st January, 1886), are all now outstanding, being the sum of \$76,000, which fall due at various times, and no funds have been provided by way of sinking fund or otherwise, for redeeming any portion of the said outstanding debentures; and whereas the said corporation of the Town of Ingersoll have incurred other debts and liabilities to the amount of \$18,000 or thereabouts, for which no provision has been made, making a total outstanding indebtedness of \$94,000; and whereas the said corporation did receive from the Credit Valley Railway Company, bonds of the said company to the amount of \$50,000, in exchange for \$60,000 of the debentures of the said Town of Ingersoll, and which said debentures form a part of the said \$76,000 of debentures now outstanding; and whereas the said corporation of the Town of Ingersoll did afterwards exchange the said bonds of the Credit Valley Railway Company and accrued interest thereon, for permanent debenture stock in the Ontario and Quebec Railway Company to the amount of £11,716 sterling, which said debenture stock in said railway company has since the filing of the petition herein been sold for the sum of about \$57,000, and the proceeds of which now form part of the assets of the said town of Ingersoll, and it is intended to apply the same towards the payment of the said \$60,000 of debentures of the said town so exchanged for the said bonds; and whereas in paying the debentures to the amount of \$26,000 of the said town which matured on the 1st January, 1886, there was used and applied the sum of \$5,453.38, which had been levied and raised, as a sinking fund, by assessment upon the taxable property of the public school supporters in the said town, to apply towards the payment of debentures to the amount of \$10,000 issued for public school purposes, which form a part of the said \$76,000, for which debentures are now outstanding as aforesaid, and which are the only debentures which have been issued for public school purposes by the said Town of Ingersoll; and whereas the said corporation of the Town of Ingersoll desire to have the proceeds of the sale of the said debenture stock of the Ontario and Quebec Railway Company

specifically applied to the payment ~~of~~ of the said debentures or other *existing* indebtedness of the said town, and further to raise by assessment upon the taxable property of public school supporters in the said town the sum of \$4,546.62 only, to complete and fulfill the obligation resting on the said public school supporters, to provide for the balance of the payment of the said \$10,000 of debentures issued for public school purposes, and to consolidate the said debts of \$94,000, and to discharge the said indebtedness by the application of the proceeds of the sale of the said permanent debenture stock in the Ontario and Quebec Railway Company, and by the issue of new debentures to such amount as may be necessary to discharge the balance of the said indebtedness after applying the proceeds of the sale of the said permanent debenture stock, *and* not exceeding in any case the sum of \$40,000; and whereas the said corporation have prayed for the passing of an Act to entitle them to carry out the said object, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Debts consolidated at the sum of \$94,000.

1. The debts of the corporation of the Town of Ingersoll are hereby consolidated at the sum of \$94,000, and it shall and may be lawful for the said corporation of the Town of Ingersoll to raise by way of loan upon the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued, from any person or persons, body or bodies corporate, either in this Province, in Great Britain, or elsewhere, who may be willing to lend the same a sum of money not exceeding \$40,000 of lawful money of Canada.

Authority to pass by-laws for issue of new debentures.

2. It shall be lawful for the said corporation of the Town of Ingersoll, in the County of Oxford, to pass a by-law, or from time to time pass by-laws, authorizing the said loan of \$40,000, and the issuing of debentures therefor in accordance with this Act, and to impose in and by said by-law a special rate per annum on the whole ratable property of the said municipality, to be called "The Consolidated Loan Rate," over and above and in addition to all other rates to be levied in each year, which shall be duly levied in each year, and shall be sufficient, together with the sum hereinafter authorized to be raised by assessment on the taxable property of the supporters of public schools, to pay the sums falling due annually for interest, and to provide a fund for the due payment of the principal (when the same shall fall due) of the debentures hereby authorized to be issued.

Special rate to be levied on public school supporters.

3. The said municipal corporation of the Town of Ingersoll shall raise by assessment upon the taxable property of public school supporters, over and above and in addition to all other rates, such sum or sums, from year to year, and proportionately in each year, as shall in the aggregate amount to the sum of \$4,546.62 and no more, which shall form a part of the Consolidated Loan Rate for the purpose specified in the preceding section of this Act.

Debentures may be issued to the amount of \$40,000.

4. It shall be lawful for the municipal council of the said corporation of the Town of Ingersoll, after the passing of such

by-law or by-laws authorizing the same in accordance with this Act, to cause to be issued debentures of the said corporation, under the corporate seal, signed by the Mayor and countersigned by the Treasurer of the said corporation for the time being, for such sums not exceeding in the whole the said sum of \$40,000, as the said council shall direct and appoint, bearing interest at a rate not exceeding six per cent. per annum, payable yearly or half yearly, as by said by-law or by-laws may be provided.

- 10 5. The principal sum to be secured by the debentures to be issued under the preceding section of this Act, shall be payable either in sterling or currency, and the same with the interest accruing thereon may be made payable either in this Province, or in Great Britain, or elsewhere, as the said council may, by the by-law or by-laws, direct or shall deem expedient; and a portion of the said debentures issued under any such by-law shall be made payable in each year for a period not exceeding thirty years from the time at which the by-law authorizing the issue of the same shall take effect, and so that the sums to be levied for principal and interest shall be as nearly equal in each year as may be, and it shall not be necessary to levy for or provide any sinking fund to retire the said debentures.

Debentures when and how payable.

6. The funds derived from the negotiation and sale of said debentures, and from the said sale of the said permanent debenture stock in the Ontario and Quebec Railway Company shall be applied in and toward the payment of the said debts of \$94,000 and not otherwise, and for that purpose the said council shall and it shall be the duty of the treasurer, by and with the consent and approbation of the council, from time to time to invest all moneys so received, either in the redemption of any of the outstanding debts, or debentures, or in Government securities, municipal debentures, or in first mortgages on real estate held and used for farming purposes, and being the first lien on such real estate, but not to a greater extent than one-half of the assessed value of such real estate, or in such manner as the Lieutenant-Governor in Council may, by general or special order direct, or he may deposit the same in any chartered bank of the Dominion of Canada that the council may from time to time approve.

Application of funds.

7. It shall not be necessary to obtain the assent of the electors of the said town to the passing of any by-law which shall be passed under the provisions of this Act, or to observe the formalities in relation thereto prescribed by *The Consolidated Municipal Act, 1883*.

Assent of electors to by-laws not required.

8. The treasurer of the said town shall, on receiving instructions from said council so to do, from time to time, but only with the consent of the holders thereof, call in any of the now outstanding debts and liabilities specially provided for by this Act, and shall discharge and satisfy the same with the funds raised under this Act, or may, with the like consent, substitute therefor the said debentures, or any of them, hereinbefore authorized to be issued by this Act, upon such terms as may be agreed upon between the said council and the said holders of the said outstanding debt and liabilities.

Outstanding debentures may be called in.

By-laws not to
be repealed
until debt
satisfied.

9. Any by-law to be passed under section 2 of this Act, and in pursuance of the provisions of this Act authorising the said loan, shall not be repealed until the debt created under such by-law and the interest thereon, shall be paid and satisfied.

5

Treasurer to
keep books,
showing state
of debenture
account.

10. It shall be the duty of the treasurer, from time to time, of the said town, to keep, and it shall be the duty of each of the members, from time to time, of the said municipal council, to procure such treasurer to keep and see that he does keep a proper book of account, setting forth a full and particular statement, so that the same shall at all times show the number of debentures which, from time to time, shall be issued under the powers conferred by this Act, and the respective amounts, payments of which is thereby secured, and the times at which the said debentures shall respectively become due and payable, and the several amounts which shall, from time to time, be realized from the sales or negotiation of the said debentures, and the application which shall, from time to time, be made of the said amounts, and as to so much thereof as shall, at any time or times, be deposited or invested as directed by section 7 of this Act: the said book of account and statement shall set forth and shew the amount and the place and places of such deposits and the amount, the mode and nature and place or places of such investments, and the terms and conditions upon which such deposits or investments shall, from time to time, be made, and the said book of account and statement shall at all times and at all reasonable hours be open to the inspection of any ratepayer of the said town and of any of the holders, from time to time, of the debentures which shall be issued under the powers hereby conferred, or of any of such debentures.

Inconsistent
provisions in
Municipal
Acts not to
apply.

11. Every debenture issued under the authority of this Act shall have upon the face of it written and printed the words "Consolidated Loan Debenture," and any provisions in the Act respecting municipal institutions in the Province of Ontario, which are or may be inconsistent with the provisions of this Act or any of them, shall not apply to the by-law or by-laws to be passed by the said corporation under the provisions of this Act, and no irregularity in the form, either of the said debentures authorized to be issued by this Act, or by the by-law or by-laws authorizing the issuing thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them or any part thereof.

45

46 V. c. 18,
ss. 411-413 in-
corporated in
this Act.

12. Sections 411, 412 and 413 of *The Consolidated Municipal Act, 1883*, shall be deemed applicable to the debentures to be issued in pursuance of the provisions of this Act, and shall be deemed to be incorporated in this Act.

Liability of
corporation
not dis-
charged.

13. Nothing in this Act contained shall be held or taken to discharge the corporation of the Town of Ingersoll from any indebtedness or liability which may not be included in the said indebtedness above stated.

50

No. 33.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to authorize the Town of Ingersoll
to issue certain Debentures.

*(Reprinted as amended by Private Bills
Committee.)*

First Reading, 22nd February, 1886.

(Private Bill.)

Mr. COOKE.

TORONTO:

PRINTED BY WARWICK & SONS, 25 AND 28 FRONT ST. W.

An Act to incorporate The Nicholls' Hospital Trust.

WHEREAS Charlotte Jane Nicholls, widow of the late Preamble.
Robert Nicholls, in his lifetime of the Town of Peter-
borough, in the County of Peterborough, merchant, has offered
to give to the said Town of Peterborough, for a memorial of her
5 said late husband, certain premises known as "Moirs Hall,"
situate in the Township of North Monaghan, in the said
County of Peterborough, for the purpose of a Hospital,
together with an endowment of \$15,000 for the benefit of the
Protestant population of the said Town of Peterborough, on
10 condition that the same should be maintained by a special tax
imposed on all ratepayers of the said town other than those
paying the Separate School Tax, and on the further con-
dition that the management of the said hospital should
be exclusively in the hands of members of the different
Protestant denominations, and further, that the Village of
15 Ashburnham should be admitted to the benefits of the
hospital upon agreeing to contribute its just proportion
of the expense of maintaining the said hospital, and further,
that the said hospital should be called and known by the
name of "The Nicholls' Hospital," and further, that she should
20 have the right to nominate the first trustees for the manage-
ment of the said hospital; and whereas the said Town of
Peterborough, by the council thereof, have agreed to accept
the gift of the said hospital upon the conditions aforesaid;
and whereas the said Charlotte Jane Nicholls has nominated
as the first trustees for the management of the said hospital, the
25 following persons, namely:—Richard Hall, of the said Town of
Peterborough, merchant; Robert S. Davidson, of the said Town
of Peterborough, retired merchant; William Manson, of the
said Town of Peterborough, bank manager; John McClelland,
of the said Town of Peterborough, merchant; George Albertus
Cox, of the said Town of Peterborough, Esquire; Joseph Fla-
30 velle, of the said Town of Peterborough, merchant; James
Stratton, of the said Town of Peterborough, collector of cus-
toms, and Alfred Passmore Pousette, of the said Town of
Peterborough, one of Her Majesty's counsel learned in the law;
and whereas in the nomination of the said trustees, the said
35 Charlotte Jane Nicholls has selected them as representing the
different Protestant congregations in the said Town of Peter-
borough, that is to say, the said Richard Hall and Robert S.
Davidson as representing St. Paul's Presbyterian Church, the
said William Manson and John McClelland representing St.
Andrew's Presbyterian Church, the said George Albertus Cox as
40 representing the Charlotte Methodist Church, the said Joseph
Flavelle, as representing the George Street Methodist Church,

the said James Stratton as representing the Murray Street Baptist Church, and the said Alfred Passmore Poussette as representing St. John's Church (Church of England), it being her desire and intention that there should be a perpetual succession of trustees representing the said 5 several congregations respectively, and representing such other Protestant congregations as may, from time to time, arise in the said Town of Peterborough or the said Village of Ashburnham: And whereas the said several persons have presented their petition setting forth the facts stated in 10 the foregoing preamble, and praying that they may be incorporated under the name of "The Nicholls' Hospital Trust," and it is expedient to grant the prayer of their petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 15 as follows:

Incorporation
of the Nicholls'
Hospital
Trust.

1. The said Richard Hall, Robert S. Davidson, William Manson, John McClelland, George Albertus Cox, Joseph Flavelle, James Stratton and Alfred Passmore Poussette and their successors, and such other persons as shall be appointed trustees 20 as hereinafter provided, shall be and they are hereby constituted a body corporate and politic by and under the name and style of "The Nicholls' Hospital Trust," and by that name, they and their successors and such other persons as shall be appointed trustees as hereinafter provided, shall be capable of 25 suing and being sued, of contracting and being contracted with, and shall have perpetual succession and a common seal.

Board of
Trustees.

2. The said trust shall consist of a board of trustees chosen from the congregations of the different Protestant churches at present existing in the said Town of Peterborough, and of such 30 Protestant churches as shall hereafter come into existence in the said town, and when the Village of Ashburnham shall be admitted to the benefits of the hospital hereinafter mentioned, then from the congregations of the different Protestant churches at that time existing in the said Village of Ashburnham, and 35 of such Protestant churches as shall thereafter come into existence in the said Village, two trustees being chosen from the congregation of St. Paul's Presbyterian Church, two trustees from the congregation of St. Andrew's Presbyterian Church, one trustee from the congregation of the Charlotte Street Me- 40 thodist Church, one trustee from the congregation of the George Street Methodist Church, one trustee from the congregation of the Murray Street Baptist Church, one trustee from the congregation of St. John's Church (Church of England), and one trustee from the congregation of each Protestant 45 Church that shall hereafter come into existence in the said Town of Peterborough, and one trustee from the congregation of each Protestant Church existing in the Village of Ashburnham, when said village shall be admitted to the benefits of the said hospital, and which shall 50 thereafter come into existence in the said village, it being the true intent and meaning of this section, that each of the congregations at present existing in the said Town of Peterborough, shall be perpetually represented as hereinbefore set forth, and that all other congregations of Protestant churches, 55 whether in the said town or the said village, shall each be represented by one trustee only.

3. The said Richard Hall, Robert S. Davidson, William Manson, John McClelland, George Albertus Cox, Joseph Plavelle, James Stratton and Alfred Passmore Poussette, shall be and they are hereby constituted the first Board of Trustees of the said trust, the said Richard Hall being the chairman and the said Alfred Passmore Poussette being the honorary secretary thereof.

4. The officers of the said trust shall consist of a chairman and honorary secretary, to be chosen annually from the trustees, and of a treasurer to be appointed by the Board in such manner as they shall by their by-laws determine.

5. When any vacancy in the Board shall occur by reason of any trustee dying or resigning, or becoming incapable of acting, or disqualified by reason of his ceasing to be a member of the congregation which he represents, or when the appointment of a trustee shall, for any other reason, become necessary, it shall be the duty of the honorary secretary to forthwith notify the minister of the congregation to be represented by the trustee to be appointed, and such minister shall as soon thereafter as convenient, call a meeting of his congregation in the manner in which it is usual to call congregational meetings according to the ordinances of his church, for the purpose of appointing a trustee to represent his congregation, and such trustee shall be appointed by the majority of the members of the said congregation present at the said meeting, and the said minister shall thereupon certify such appointment to the honorary secretary.

6. Each trustee shall retire from the Board at the close of the third annual meeting after his appointment, but any trustee appointed in succession to another trustee, shall only retain office until the expiration of the term for which his predecessor had been appointed, and any trustee retiring as aforesaid shall be eligible for re-appointment.

7. Notwithstanding anything in the next preceding section contained, the first board of trustees shall retire in the following rotation, namely:—The said Robert Stewart Davidson, William Manson, and George Albertus Cox, at the close of the first annual meeting, the said John McClelland, Joseph Plavelle, and James Stratton, at the close of the second annual meeting, and the said Richard Hall and Alfred Passmore Poussette at the close of the third annual meeting; but they shall all be eligible for re-appointment, and they or their successors shall each thereafter retain office for the period fixed by the preceding section of this Act, and hereafter when any additional trustee shall be appointed, the Board shall, by resolution, fix his first term of office so that the trustees shall, from time to time, retire from office by a regular rotation.

8. On the third Monday in January in each year, or such other day as may be fixed by by-law, there shall be a meeting of the Board of Trustees for the purpose of electing a chairman and honorary secretary and transacting such other business as shall, under the by-laws of the trust, devolve upon such meeting; and at such meeting, five members of the Board or

such greater number as shall be fixed by the by-laws of the trust, shall form a quorum.

Powerto make
by-laws.

9. The said board of trustees may, at any meeting thereof for the purpose, at which meeting five members or such greater number as shall be fixed by the by-laws of the trust, shall form a quorum, may make such proper rules and by-laws for the government of the same as the majority of the members present at such meeting deem expedient, so as such rules and by-laws are not repugnant to the provisions of this Act. 5

Special meet-
ings

10. The chairman of the said board of trustees may at any time call a meeting of the said board, and notice thereof shall be given by letter or circular, mailed at Peterborough, not less than two days previous to the day appointed for such meeting 10

Investment of
endowment.

11. It shall be lawful for the said board of trustees to invest the present or any future endowment fund of the said trust in stocks or debentures of any loan company, mortgages of real estate, or municipal debentures or partly in one and partly in another. 15

Powers to hold
land for hos-
pital.

12. The said trust may take and hold the land and premises intended to be conveyed to it by the said Charlotte Jane Nicholls, and the hospital erected thereon and founded and endowed by her, shall be known as "The Nicholls Hospital." 20

Trust funds
may be used
to make ad-
ditions and
improve-
ments.

13. It shall be lawful for the said board of trustees out of the funds of the trust, to make such additions and improvements to the said hospital, as shall from time to time be required, having regard to the objects for which the said hospital has been established. 25

Authority to
levy special
rate for sup-
port of hos-
pital.

14. It shall be lawful for the council of the Town of Peterborough, and they are hereby required to levy a special rate in each and every year upon such of the ratepayers of the said town as do not pay the separate (Roman Catholic) school tax, for the purpose of defraying the expense of maintaining the said hospital, over and above what shall be received by the trust from its endowment fund; and the special rate for the year 1886 shall include the expense of maintaining the said hospital subsequent to the resolution of council whereby the gift of the same was accepted. 30 35

Payments to
be made by
treasurer of
town.

15. Upon the first day of every month, the treasurer of the said town shall pay to the treasurer or the said trust, upon the requisition of the chairman and honorary secretary thereof, such amount as shall have been expended by the said trust during the previous month over and above its receipts from the endowment fund; and immediately after the passing of this Act, the treasurer of the said town shall pay to the treasurer of the said trust on the requisition aforesaid, such amount as shall be due from the said town up to that date for the maintenance of the hospital since its opening. 40 45

Inspection of
books of ac-
count.

16. The books of the said trust shall at all times be open to the inspection of the members of the council of the said town and the clerk and treasurer thereof, and the books of account of 50

the said trust shall be subject to the audit of the auditors of the said town.

17. It shall be lawful for the council of the said town, at any time or times, to pass a by-law or by-laws for the purpose of granting a sum or sums of money for the enlargement or permanent improvement of the said hospital, and for making proper approaches thereto, notwithstanding the fact that the said hospital is without the limits of the corporation of the said town.
18. It shall be lawful for the council of the Village of Ashburnham to pass a by-law whereby it shall agree to contribute with the said town of Peterborough towards the maintenance of the said hospital in the same proportion that the population of the said village contributing towards the maintenance of the said hospital bears to that of the said town, and thereupon it shall be the duty of the said council to levy a special rate upon such of the ratepayers of the said village as do not pay the separate (Roman Catholic) school tax, for the purpose of defraying its proportion of the expense of maintaining the said hospital, and the treasurer of the said village shall be subject to the like demands as the treasurer of the said town, and the said village shall in all respects be upon an equal footing with and subject to the same liabilities as the said town, the aforesaid population of the said town and village respectively, according to the then last assessment roll, being taken for the time being as the basis of adjustment.
- Grant for permanent improvements may be made by town of Peterborough.
- Grant for maintenance may be made by village Ashburnham.

No. 34.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to incorporate the Nicholls' Hospital
Trust.

First Reading.	1886.
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(Private Bill.)

MR. CARNEGIE.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to incorporate The Nicholls' Hospital Trust.

WHEREAS Charlotte Jane Nicholls, widow of the late Preamble.

Robert Nicholls, in his lifetime of the Town of Peterborough, in the County of Peterborough, merchant, has offered to give to the said Town of Peterborough, for a memorial of her
5 said late husband, certain premises known as "Moir Hall," situate in the Township of North Monaghan, in the said County of Peterborough, for the purpose of a Hospital, together with an endowment of \$15,000 for the benefit of the Protestant population of the said Town of Peterborough, on
10 condition that the same should be maintained by a special tax imposed on all ratepayers of the said town *who are not Roman Catholics*, and on the further condition that the management of the said hospital should be exclusively in the hands of members of the different Protestant denominations, and further, that the
15 Village of Ashburnham should be admitted to the benefits of the hospital upon agreeing to contribute its just proportion of the expense of maintaining the said hospital, and further, that the said hospital should be called and known by the name of "The Nicholls' Hospital," and further, that she should
20 have the right to nominate the first trustees for the management of the said hospital; and whereas the said Town of Peterborough, by the council thereof, have agreed to accept the gift of the said hospital upon the conditions aforesaid; and whereas the said Charlotte Jane Nicholls has nominated
25 as the first trustees for the management of the said hospital, the following persons, namely:—Richard Hall, of the said Town of Peterborough, merchant; Robert S. Davidson, of the said Town of Peterborough, retired merchant; William Manson, of the said Town of Peterborough, bank manager; John McClelland,
30 of the said Town of Peterborough, merchant; George Albertus Cox, of the said Town of Peterborough, Esquire; Joseph Flavelle, of the said Town of Peterborough, merchant; James Stratton, of the said Town of Peterborough, collector of customs, and Alfred Passmore Poussette, of the said Town of
35 Peterborough, one of Her Majesty's counsel learned in the law; and whereas in the nomination of the said trustees, the said Charlotte Jane Nicholls has selected them as representing the different Protestant congregations in the said Town of Peterborough, that is to say, the said Richard Hall and Robert S.
40 Davidson as representing St. Paul's Presbyterian Church, the said William Manson and John McClelland representing St. Andrew's Presbyterian Church, the said George Albertus Cox as representing the Charlotte Street Methodist Church, the said Joseph Flavelle, as representing the George Street Methodist
45 Church, the said James Stratton as representing the Murray Street Baptist Church, and the said Alfred Passmore Poussette

as representing St. John's Church (Church of England), it being her desire and intention that there should be a perpetual succession of trustees representing the said several congregations respectively, and representing such other Protestant congregations as may, from time to time, arise in the said Town of Peterborough or the said Village of Ashburnham: and whereas the said several persons have presented their petition setting forth the facts stated in the foregoing preamble, and praying that they may be incorporated under the name of "The Nicholls' Hospital Trust," and it is expedient to grant the prayer of their petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation
of the Nicholls'
Hospital
Trust.

1. The said Richard Hall, Robert S. Davidson, William 15
Manson, John McClelland, George Albertus Cox, Joseph Flavelle, James Stratton and Alfred Passmore Poussette and their successors, and such other persons as shall be appointed trustees as hereinafter provided, shall be and they are hereby constituted a body corporate and politic by and under the name and 20
style of "The Nicholls' Hospital Trust," and by that name, they and their successors and such other persons as shall be appointed trustees as hereinafter provided, shall be capable of suing and being sued, of contracting and being contracted with, and shall have perpetual succession and a common seal. 25

Board of
Trustees.

2. The said trust shall consist of a board of trustees, all of whom shall be ratepayers of the said Town of Peterborough and Village of Ashburnham respectively, chosen from the congregations of the different Protestant churches at present existing in the said Town of Peterborough, and of such 30
Protestant churches as shall hereafter come into existence in the said town, and when the Village of Ashburnham shall be admitted to the benefits of the hospital hereinafter mentioned, then from the congregations of the different Protestant churches at that time existing in the said Village of Ashburnham, and 35
of such Protestant churches as shall thereafter come into existence in the said Village, two trustees being chosen from the congregation of St. Paul's Presbyterian Church, two trustees from the congregation of St. Andrew's Presbyterian Church, 40
one trustee from the congregation of the Charlotte Street Methodist Church, one trustee from the congregation of the George Street Methodist Church, one trustee from the congregation of the Murray Street Baptist Church, one trustee from the congregation of St. John's Church (Church of England), and one trustee from the congregation of each Protestant 45
Church that shall hereafter come into existence in the said Town of Peterborough, and one trustee from the congregation of each Protestant Church existing in the Village of Ashburnham, when said village shall be admitted to the benefits of the said hospital, and which shall 50
thereafter come into existence in the said village, and the Mayor of the said town, and the Reeve of said village (when said village is admitted to the benefits of the said hospital) shall be *ex-officio* members of the said Board, provided said Mayor or Reeve is not a Roman Catholic, and in that case the 55
Council of the said town or the said village shall appoint one of its number, not being a Roman Catholic, to represent

it at the said Board, ~~and~~ it being the true intent and meaning of this section, that each of the congregations at present existing in the said Town of Peterborough, ~~and~~ the Councils of the said Town of Peterborough, and said Village of Ashburnham
 5 (when said village shall be admitted to the benefits of the said hospital) ~~shall~~ be perpetually represented as hereinbefore set forth, and that all other congregations of Protestant churches, whether in the said town or the said village, shall each be represented by one trustee only.

- 10 **3.** The said Richard Hall, Robert S. Davidson, William Manson, John McClelland, George Albertus Cox, Joseph Flavelle, James Stratton, Alfred Passmore Poussette, ~~and~~ and James Stevenson as Mayor of the said Town of Peterborough, ~~shall~~ be and they are hereby constituted the first
 15 Board of Trustees of the said trust, the said Richard Hall being the chairman and the said Alfred Passmore Poussette being the honorary secretary thereof.

First Board of Trustees.

- 4.** The officers of the said trust shall consist of a chairman and honorary secretary, to be chosen annually from the trustees,
 20 and of a treasurer to be appointed by the Board in such manner as they shall by their by-laws determine, ~~and~~ who shall give such security for the due performance of his duties, as the Board may require. ~~and~~

Officers.

- 5.** When any vacancy in the Board shall occur by reason
 25 of any trustee dying or resigning, or becoming incapable of acting, or disqualified by reason of his ceasing to be a member of the congregation which he represents, or when the appointment of a trustee shall, for any other reason, become necessary, it shall be the duty of the honorary secretary to forthwith
 30 notify the minister or *Secretary* of the congregation to be represented by the trustee to be appointed, and such minister or *Secretary* shall as soon thereafter as convenient, call a meeting of his congregation in the manner in which it is usual to call congregational meetings according to the ordinances of his
 35 church, for the purpose of appointing a trustee to represent his congregation, and such trustee shall be appointed by the majority of the members of the said congregation present at the said meeting, and the said minister or secretary shall thereupon certify such appointment to the honorary secretary.

Mode of filling vacancies in Board.

- 6.** Each trustee shall retire from the Board at the close of
 40 the third annual meeting after his appointment, but any trustee appointed in succession to another trustee, shall only retain office until the expiration of the term for which his predecessor had been appointed, and any trustee retiring as aforesaid shall be eligible for re-appointment, ~~and~~ but this section shall not apply to the said Mayor or Reeve or representatives of either of the said councils. ~~and~~

Retirement of Trustees.

- 7.** Notwithstanding anything in the next preceding section contained, the first board of trustees, ~~and~~ except the said Mayor
 50 or Reeve or other representative of the said Councils ~~shall~~ retire in the following rotation, namely:—The said Robert Stewart Davidson, William Manson, and George Albertus Cox, at the close of the first annual meeting, the said John McClelland, Joseph Flavelle, and James Stratton,

Retirement of First Trustees.

at the close of the second annual meeting, and the said Richard Hall and Alfred Passmore Poussette at the close of the third annual meeting; but they shall all be eligible for re-appointment, and they or their successors shall each thereafter retain office for the period fixed by the preceding section of this Act, and hereafter when any additional trustee shall be appointed, the Board shall, by resolution, fix his first term of office so that the trustees shall, from time to time, retire from office by a regular rotation. 5

Annual meeting of trustees.

8. On the third Monday in January in each year, or such other day as may be fixed by by-law, there shall be a meeting of the Board of Trustees for the purpose of electing a chairman and honorary secretary and transacting such other business as shall, under the by-laws of the trust, devolve upon such meeting; and at such meeting, five members of the Board or such greater number as shall be fixed by the by-laws of the trust, shall form a quorum. 10 15

Power to make by-laws.

9. The said board of trustees may, at any meeting thereof for the purpose, at which meeting five members or such greater number as shall be fixed by the by-laws of the trust, shall form a quorum, may make such proper rules and by-laws for the government of the same as the majority of the members present at such meeting deem expedient, so as such rules and by-laws are not repugnant to the provisions of this Act. 20

Special meetings

10. The chairman of the said board of trustees may at any time call a meeting of the said board, and notice thereof shall be given by letter or circular, mailed at Peterborough, not less than two days previous to the day appointed for such meeting. 25

Investment of endowment.

11. It shall be lawful for the said board of trustees to invest the present or any future endowment fund of the said trust in debentures of any loan company, mortgages of real estate, or municipal debentures or partly in one and partly in another. 30

Power to hold land for hospital.


12. The said trust may take and hold the land and premises intended to be conveyed to it by the said Charlotte Jane Nicholls, and the hospital erected thereon and founded and endowed by her, shall be known as "The Nicholls Hospital." 35

Endowment not to be impaired.

13. The present or any future endowment fund shall not be diminished for any purpose whatever. 40

Authority to levy special rate for support of hospital.

14. It shall be lawful for the council of the Town of Peterborough, and they are hereby required to levy a special rate in each and every year upon such of the ratepayers of the said town as are not Roman Catholics, for the purpose of defraying the expense of maintaining the said hospital, over and above the income which shall be received by the trust from its endowment funds or other source, and of providing for any and all sums of money or aid granted by said Council to said hospital, or to the trustees thereof, or to the corporate body hereby created; and the special rate for the year 1886 shall include the expense of maintaining the said hospital subsequent to the resolution of council whereby the gift of the same was accepted; and it shall not be lawful for said Council to grant 45 50 55





aid or appropriate any moneys for any of the purposes aforesaid, except under the provisions of this section. 

15 15. Upon the first day of every month, the treasurer of the said town shall pay to the treasurer of the said trust, upon the requisition of the chairman and honorary secretary thereof, such amount as shall have been expended *for maintenance* by the said trust during the previous month over and above its receipts from the endowment fund or other source; and immediately after the passing of this Act, the treasurer of the said town shall pay to the treasurer of the said trust on the requisition aforesaid, such amount as shall be due *as aforesaid* from the said town up to that date for the maintenance of the hospital since its opening.





Payments to be made by treasurer of town.

16. The books of the said trust shall at all times be open to the inspection of the members of the council of the said town and the clerk and treasurer thereof, and the books of account of the said trust shall be *annually audited* by the auditors of the said town.

Inspection of books of account.



17. It shall be lawful for the council of the said town,  or of the said village (when the same shall be admitted to the benefits of the said hospital)  at any time or times, to pass a by-law or by-laws for the purpose of granting a sum or sums of money for the enlargement or permanent improvement of the said hospital, and for making proper approaches thereto, notwithstanding the fact that the said hospital is without the limits of the corporation of the said town;  but every such by-law shall, before its final passing, be first submitted for approval to the ratepayers, not being Roman Catholics, of the said town or village in the manner provided by *The Municipal Act* in case of money by-laws requiring the assent of the ratepayers. 

Grant for permanent improvements may be made by town of Peterborough

18. It shall be lawful for the council of the Village of Ashburnham to pass a by-law whereby it shall agree to contribute with the said town of Peterborough towards the maintenance of the said hospital in the same proportion that the population of the said village contributing towards the maintenance of the said hospital bears to that of the said town, and thereupon it shall be the duty of the said council to levy a special rate upon such of the ratepayers of the said village as *are not Roman Catholics*, for the purpose of defraying its proportion of the expense of maintaining the said hospital,  over and above its receipts from the said endowment fund or other sources,  and the treasurer of the said village shall be subject to the like demands as the treasurer of the said town, and the said village shall in all respects be upon an equal footing with and subject to the same liabilities as the said town, the aforesaid population of the said town and village respectively, according to the then last assessment roll, being taken for the time being as the basis of adjustment;  but it shall not be lawful for said council to grant or contribute any aid or moneys for the purposes aforesaid, or to the said hospital, or to the trustees thereof, or to the corporate body hereby created, except under the provisions of this section. 

Grant for maintenance may be made by village Ashburnham.

Roman Catholics exempt from assessment under this Act.

 19. Notwithstanding anything in this Act contained, this Act shall be taken and construed as enacting and intending that all persons who are Roman Catholics, and the property of every such person shall be exempted from, and shall not be liable for, any rate or assessment made, levied or authorized under the provisions of this Act by the council of the said Town of Peterborough, or the council of the said Village of Ashburnham.  5

No. 34.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to incorporate the Nicholls' Hospital Trust.

(Reprinted as amended by Private Bills Committee.)

First Reading, 9th February, 1886.

(Private Bill.)

MR. CARNEGIE.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to incorporate The Nicholls' Hospital Trust.

WHEREAS Charlotte Jane Nicholls, widow of the late Preamble.

Robert Nicholls, in his lifetime of the Town of Peterborough, in the County of Peterborough, merchant, has offered to give to the said Town of Peterborough, for a memorial of her
5 said late husband, certain premises known as "Moir Hall," situate in the Township of North Monaghan, in the said County of Peterborough, for the purpose of a Hospital, together with an endowment of \$15,000 for the benefit of the Protestant population of the said Town of Peterborough, on
10 condition that the same should be maintained by a special tax imposed on all ratepayers of the said town *who are not Roman Catholics*, and on the further condition that the management of the said hospital should be exclusively in the hands of members of the different Protestant denominations, and further, that the
15 Village of Ashburnham should be admitted to the benefits of the hospital upon agreeing to contribute its just proportion of the expense of maintaining the said hospital, and further, that the said hospital should be called and known by the name of "The Nicholls' Hospital," and further, that she should
20 have the right to nominate the first trustees for the management of the said hospital; and whereas the said Town of Peterborough, by the council thereof, have agreed to accept the gift of the said hospital upon the conditions aforesaid; and whereas the said Charlotte Jane Nicholls has nominated
25 as the first trustees for the management of the said hospital, the following persons, namely:—Richard Hall, of the said Town of Peterborough, merchant; Robert S. Davidson, of the said Town of Peterborough, retired merchant; William Manson, of the said Town of Peterborough, bank manager; John McClelland,
30 of the said Town of Peterborough, merchant; George Albertus Cox, of the said Town of Peterborough, Esquire; Joseph Flavell, of the said Town of Peterborough, merchant; James Stratton, of the said Town of Peterborough, collector of customs, and Alfred Passmore Poussette, of the said Town of
35 Peterborough, one of Her Majesty's counsel learned in the law; and whereas in the nomination of the said trustees, the said Charlotte Jane Nicholls has selected them as representing the different Protestant congregations in the said Town of Peterborough, that is to say, the said Richard Hall and Robert S.
40 Davidson as representing St. Paul's Presbyterian Church, the said William Manson and John McClelland representing St. Andrew's Presbyterian Church, the said George Albertus Cox as representing the Charlotte Street Methodist Church, the said Joseph Flavell, as representing the George Street Methodist
45 Church, the said James Stratton as representing the Murray Street Baptist Church, and the said Alfred Passmore Poussette

as representing St. John's Church (Church of England), it being her desire and intention that there should be a perpetual succession of trustees representing the said several congregations respectively, and representing such other Protestant congregations as may, from time to time, arise in the said Town of Peterborough or the said Village of Ashburnham: and whereas the said several persons have presented their petition setting forth the facts stated in the foregoing preamble, and praying that they may be incorporated under the name of "The Nicholls' Hospital Trust," and it is expedient to grant the prayer of their petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Incorporation
of the Nicholls'
Hospital
Trust.

1. The said Richard Hall, Robert S. Davidson, William Manson, John McClelland, George Albertus Cox, Joseph Flavell, James Stratton and Alfred Passmore Poussette and their successors, and such other persons as shall be appointed trustees as hereinafter provided, shall be and they are hereby constituted a body corporate and politic by and under the name and style of "The Nicholls' Hospital Trust," and by that name, they and their successors and such other persons as shall be appointed trustees as hereinafter provided, shall be capable of suing and being sued, of contracting and being contracted with, and shall have perpetual succession and a common seal.

Board of
Trustees.

2. The said trust shall consist of a board of trustees, all of whom shall be ratepayers of the said Town of Peterborough and Village of Ashburnham respectively, chosen from the congregations of the different Protestant churches at present existing in the said Town of Peterborough, and of such Protestant churches as shall hereafter come into existence in the said town, and when the Village of Ashburnham shall be admitted to the benefits of the hospital hereinafter mentioned, then from the congregations of the different Protestant churches at that time existing in the said Village of Ashburnham, and of such Protestant churches as shall thereafter come into existence in the said Village, two trustees being chosen from the congregation of St. Paul's Presbyterian Church, two trustees from the congregation of St. Andrew's Presbyterian Church, one trustee from the congregation of the Charlotte Street Methodist Church, one trustee from the congregation of the George Street Methodist Church, one trustee from the congregation of the Murray Street Baptist Church, one trustee from the congregation of St. John's Church (Church of England), and one trustee from the congregation of each Protestant Church that shall hereafter come into existence in the said Town of Peterborough, and one trustee from the congregation of each Protestant Church existing in the Village of Ashburnham, when said village shall be admitted to the benefits of the said hospital, and which shall thereafter come into existence in the said village, and the Mayor of the said town, and the Reeve of said village (when said village is admitted to the benefits of the said hospital) shall be *ex-officio* members of the said Board, provided said Mayor or Reeve is not a Roman Catholic, and in that case the Council of the said town or the said village shall appoint one of its number, not being a Roman Catholic, to represent

it at the said Board, it being the true intent and meaning of this section, that each of the congregations at present existing in the said Town of Peterborough, and the Councils of the said Town of Peterborough, and said Village of Ashburnham 5 (when said village shall be admitted to the benefits of the said hospital) shall be perpetually represented as hereinbefore set forth, and that all other congregations of Protestant churches, whether in the said town or the said village, shall each be represented by one trustee only.

10 3. The said Richard Hall, Robert S. Davidson, William First Board of
Manson, John McClelland, George Albertus Cox, Joseph Fla- Trustees.
velle, James Stratton, Alfred Passmore Poussette, and
James Stevenson as Mayor of the said Town of Peter-
borough, shall be and they are hereby constituted the first
15 Board of Trustees of the said trust, the said Richard Hall being
the chairman and the said Alfred Passmore Poussette being
the honorary secretary thereof.

4. The officers of the said trust shall consist of a chairman Officers.
and honorary secretary, to be chosen annually from the trustees,
20 and of a treasurer to be appointed by the Board in such
manner as they shall by their by-laws determine, who, *before*
entering upon his duties, shall give such security for the due
performance of his duties, as the Board may require.

5. When any vacancy in the Board shall occur by reason Mode of filling
25 of any trustee dying or resigning, or becoming incapable of vacancies in
acting, or disqualified by reason of his ceasing to be a member Board.
of the congregation which he represents, or when the appoint-
ment of a trustee shall, for any other reason, become necessary,
it shall be the duty of the honorary secretary to forthwith
30 notify the minister or *Secretary* of the congregation to be repre-
sented by the trustee to be appointed, and such minister or
Secretary shall as soon thereafter as convenient, call a meeting
of his congregation in the manner in which it is usual to call
congregational meetings according to the ordinances of his
35 church, for the purpose of appointing a trustee to represent
his congregation, and such trustee shall be appointed by the
majority of the members of the said congregation present at
the said meeting, and the said minister or secretary shall there-
upon certify such appointment to the honorary secretary.

40 6. Each trustee shall retire from the Board at the close of Retirement of
the third annual meeting after his appointment, but any Trustees.
trustee appointed in succession to another trustee, shall only
retain office until the expiration of the term for which his pre-
decessor had been appointed, and any trustee retiring as afore-
45 said shall be eligible for re-appointment, but this section
shall not apply to the said Mayor or Reeve or representatives
of either of the said councils.

7. Notwithstanding anything in the next preceding section Retirement of
contained, the first board of trustees, except the said Mayor First Trustees.
50 or Reeve or other representative of the said Councils shall
retire in the following rotation, namely:—The said Robert
Stewart Davidson, William Manson, and George Albertus
Cox, at the close of the first annual meeting, the said
John McClelland, Joseph Flavelle, and James Stratton,

at the close of the second annual meeting, and the said Richard Hall and Alfred Passmore Poussette at the close of the third annual meeting; but they shall all be eligible for re-appointment, and they or their successors shall each thereafter retain office for the period fixed by the preceding section of this Act, and hereafter when any additional trustee shall be appointed, the Board shall, by resolution, fix his first term of office so that the trustees shall, from time to time, retire from office by a regular rotation.

Annual meeting of trustees.

8. On the third Monday in January in each year, or such other day as may be fixed by by-law, there shall be a meeting of the Board of Trustees for the purpose of electing a chairman and honorary secretary and transacting such other business as shall, under the by-laws of the trust, devolve upon such meeting; and at such meeting, five members of the Board or such greater number as shall be fixed by the by-laws of the trust, shall form a quorum.

Power to make by-laws.

9. The said board of trustees may, at any meeting thereof for the purpose, at which meeting five members or such greater number as shall be fixed by the by-laws of the trust, shall form a quorum, may make such proper rules and by-laws for the government of the same as the majority of the members present at such meeting deem expedient, so as such rules and by-laws are not repugnant to the provisions of this Act.

Special meetings.

10. The chairman of the said board of trustees may at any time call a meeting of the said board, and notice thereof shall be given by letter or circular, mailed at Peterborough, not less than two days previous to the day appointed for such meeting.

Investment of endowment.

11. It shall be lawful for the said board of trustees to invest the present or any future endowment fund of the said trust in debentures of any loan company, mortgages of real estate, or municipal debentures or partly in one and partly in another.

Power to hold land for hospital.

12. The said trust may take and hold the land and premises intended to be conveyed to it by the said Charlotte Jane Nicholls, and the hospital erected thereon and founded and endowed by her, shall be known as "The Nicholls Hospital."

Endowment not to be impaired.

13. The present or any future endowment fund shall not be diminished for any purpose whatever.

Authority to levy special rate for support of hospital.

14. It shall be lawful for the council of the Town of Peterborough, and they are hereby required to levy a special rate in each and every year upon such of the ratepayers of the said town as are not Roman Catholics, for the purpose of defraying the expense of maintaining the said hospital, over and above the income which shall be received by the trust from its endowment fund or other source, and of providing for any and all sums of money or aid granted by said Council to said hospital, or to the trustees thereof, or to the corporate body hereby created; and the special rate for the year 1886 shall include the expense of maintaining the said hospital subsequent to the resolution of council whereby the gift of the same was accepted; and it shall not be lawful for said Council to grant

aid or appropriate any moneys for any of the purposes aforesaid, except under the provisions of this section.

15 **15.** Upon the first day of every month, the treasurer of the said town shall pay to the treasurer of the said trust, upon the requisition of the chairman and honorary secretary thereof, such amount as shall have been expended for maintenance by the said trust during the previous month over and above its receipts from the endowment fund or other source; and immediately after the passing of this Act, the treasurer of the said town shall pay to the treasurer of the said trust on the requisition aforesaid, such amount as shall be due as aforesaid from the said town up to that date for the maintenance of the hospital since its opening.

Payments to be made by treasurer of town.

15 **16.** The books of the said trust shall at all times be open to the inspection of the members of the council of the said town and the clerk and treasurer thereof, and the books of account of the said trust shall be annually audited by the auditors of the said town.

Inspection of books of account.

25 **17.** It shall be lawful for the council of the said town, or of the said village (when the same shall be admitted to the benefits of the said hospital) at any time or times, to pass a by-law or by-laws for the purpose of granting a sum or sums of money for the enlargement or permanent improvement of the said hospital, and for making proper approaches thereto, notwithstanding the fact that the said hospital is without the limits of the corporation of the said town; but every such by-law shall, before its final passing, be first submitted for approval to the ratepayers, not being Roman Catholics, of the said town or village in the manner provided by *The Municipal* 35 *Act* in case of money by-laws requiring the assent of the ratepayers.

Grant for permanent improvements may be made by town of Peterborough

40 **18.** It shall be lawful for the council of the Village of Ashburnham to pass a by-law whereby it shall agree to contribute with the said town of Peterborough towards the maintenance of the said hospital in the same proportion that the population of the said village contributing towards the maintenance of the said hospital bears to that of the said town, and thereupon it shall be the duty of the said council to levy a special rate upon such of the ratepayers of the said 45 village as are not Roman Catholics, for the purpose of defraying its proportion of the expense of maintaining the said hospital, over and above its receipts from the said endowment fund or other sources, and the treasurer of the said village shall be subject to the like demands as the treasurer of the said town, and the said village shall in all respects be upon 50 an equal footing with and subject to the same liabilities as the said town, the aforesaid population of the said town and village respectively, according to the then last assessment roll, being taken for the time being as the basis of adjustment; but it shall not be lawful for said council to grant or contribute any aid or moneys for the purposes aforesaid, or to the said hospital, or to the trustees thereof, or to the corporate body hereby created, except under the provisions of this or the next preceding section.

Grant for maintenance may be made by village of Ashburnham.

Roman Catholics exempt from assessment under this Act.

19. Notwithstanding anything in this Act contained, this Act shall be taken and construed as enacting and intending that all persons who are Roman Catholics, and the property of every such person, shall be exempted from and shall not be liable for any rate or assessment made, levied or authorized under the provisions of this Act by the council of the said Town of Peterborough, or the council of the said Village of Ashburnham, and shall not in any manner or for any purpose be called upon or made liable to contribute through any general or special tax, rate or assessment or otherwise howsoever, to or towards any sum of money granted or provided under the terms of section 17 of this Act; but that all persons who are not Roman Catholics, and the property of every such person, shall be liable for every rate or assessment made, levied or authorized under the provisions of this Act by either of the councils aforesaid: provided that this section shall not nor is it intended to affect any agreement between landlord and tenant as to the payment of any such rate, tax or assessment, but the same shall be binding upon them respectively as fully and effectually to all intents and purposes as if this Act had not been passed.

No. 34.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to incorporate the Nicholls' Hospital
Trust.

*(Reprinted as amended by Committee of
the Whole House.)*

First Reading, 9th February, 1886.
Second " 3rd March, 1886.

(Private Bill.)

MR. CARNEGIE.

TORONTO :

PRINTED BY WARREN & SONS, 25 AND 28 FRONT ST. W.

An Act to amend the Acts relating to the Toronto
Street Railway Company.

WHEREAS the Toronto Street Railway Company has by Preamble.
its petition prayed for certain amendments to its Act
of Incorporation and it is expedient to grant the prayer of the
said petition ;

5 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario enacts
as follows :

1. Section 4 of the Act of the late Province of Canada, 24 V. c. 83,
passed in the 24th year of Her Majesty's reign chapter 83, is s. 4 amended.
10 hereby amended by inserting between the sixth and seventh
words in the ninth line thereof the words, "steam, electricity,
cables, machinery or other motive power.

2. When and so often as the council of the corporation of Agreements
the city of Toronto or the council of any of the adjoining for running
15 municipalities mentioned in the said Act and the said Toronto cars on Sun-
Street Railway Company shall mutually agree thereto, it shall days.
and may be lawful for such council and the said company upon
such terms as may be agreed upon between them, to make and
enter into agreements for the running of the cars of the said
20 company or some of them over the tracks of the said company
or some of them upon Sundays or portions of Sundays, not-
withstanding anything in the said Act or the by-law therein
referred to or in any other Act contained.

3. All such provisions of the Acts of Parliament relating to Rights and
25 the said company as confer rights and powers upon the said powers of
company in respect of municipalities immediately adjoining company as to
the City of Toronto and as invest the said municipalities with municipalities
authorities or powers in regard to the said company or its adjoining City
undertaking, shall be held to extend so as to confer such rights of Toronto.
30 and powers upon the said company in respect of municipalities
which since the passing of the said Acts or any of them, have
been or which hereafter may be erected or formed adjoining
the said City of Toronto and so as to confer such rights or
powers upon the said company in respect of municipalities
35 adjoining such town or village municipalities as may themselves
adjoin the said City of Toronto, and so as to invest the same
municipalities with the like authorities and powers in regard
to the said company and its undertaking as are by the said
Acts vested in municipalities immediately adjoining the said
40 City of Toronto.

24 V. c. 83,
s. 14, amended.

4. Section 14 of the said Act passed in the 24th year of Her Majesty's reign chapter 83 is hereby amended by adding thereto the words following, "and may levy by special general assessment upon the ratepayers notwithstanding any previously existing by-law or by-laws passed under section 620 of *The Consolidated Municipal Act 1883*, the cost and expense incurred in performing and carrying out such agreement or covenants."

No. 35.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Acts relating to the
Toronto Street Railway Company.

First Reading,	1886.
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(Private Bill)

MR. BADGEROW.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Acts relating to the Toronto
Street Railway Company.

WHEREAS the Toronto Street Railway Company has by its petition prayed for certain amendments to its Act of Incorporation and it is expedient to grant the prayer of the said petition ;

Preamble.

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. All such provisions of the Acts of Parliament relating to the said company as confer rights and powers upon the said
10 company in respect of municipalities immediately adjoining the City of Toronto, and as invest the said municipalities with authorities or powers in regard to the said company or its undertaking, shall be held to extend so as to confer such rights and powers upon the said company in respect of the Town of
15 Parkdale, and so much of the Township of York, as lies between the said Town of Parkdale and High Park, in the said Township of York, and so as to invest the said Town of Parkdale and the said Township of York, with the like authorities and powers in regard to the said company and its undertaking,
20 as are by the said Acts vested in municipalities immediately adjoining the said City of Toronto.

Rights in municipalities adjacent to Toronto.

2. The municipality of the Town of Parkdale may levy by special general assessment upon the ratepayers, notwithstanding any previously existing by-law or by-laws passed under
25 section 620 of *The Consolidated Municipal Act, 1883*, or any similar section of any former Act, the cost and expense incurred in performing and carrying out such agreement as the said Town of Parkdale may, in pursuance of the Act passed in the 24th year of Her Majesty's reign, chapter 83 and of this Act,
30 enter into with the said company : provided that no by-law of the Town of Parkdale shall be passed under this section until the assent of the electors, shall have been obtained thereto in the manner provided by *The Consolidated Municipal Act, 1883*.

Levy of special rate in Town of Parkdale to defray cost of carrying out agreement that may be made with company.

No. 35.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Acts relating to the
Toronto Street Railway Company.

*(Reprinted as amended by Railway
Committee.)*

First Reading, 26th February, 1886.

(Private Bill.)

Mr. BADGEROW.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 36.]

BILL.

[1886.]

An Act respecting the Thunder Bay Colonization Railway Company.

WHEREAS the Thunder Bay Colonization Railway Com-^{Preamble.}
pany has by its petition prayed for power to extend its
line from a point at or near Whitefish Lake to a point at or
near Namenkau Lake with a branch to a point near Crooked
5 Lake; and whereas it is expedient to grant the prayer of the
said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

- 10 **1.** The said company shall have full power and authority to
construct a railway from a point at or near Whitefish Lake to^{Location of}
a point at or near Namenkau Lake, with a branch to a point
at or near Crooked Lake, the said railway passing through
Hunter's Island.
- 15 **2.** Section 7 of the Act passed in the 47th year of the reign^{46 V. c. 56,}
of Her present Majesty, chaptered 56, is hereby amended by^{s. 7, amended.}
striking out the words "five" in the first and second lines of
the said section, and inserting the words "twelve" in the place
thereof.
- 20 **3.** Section 30 of the said Act is hereby amended by striking^{46 V. c. 56,}
out the word "two" in the twentieth line of the said section,^{s. 30,}
and inserting the word "six" in the place thereof.^{amended.}

No. 36.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Thunder Bay
Colonization Railway Company.

First Reading,	1886.
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(Private Bill.)

Mr. BADGEROW.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to authorize the Law Society of Ontario to admit Delos Rogest Davis as a Barrister-at-Law.

WHEREAS Delos Rogest Davis has, by his petition, set forth that at the session of this Legislature, during the year 1884, he applied and obtained, on good and satisfactory grounds and reasons, an Act to permit him to practice in the Supreme Court as a solicitor, on his passing such final examination as is required in that behalf, by the Law Society, and that he did present himself for such examination at the Easter sittings, held in the month of May, A.D. 1885, and passed the said examination with credit marks above what is required to simply pass, and on the 19th day of May, 1885, he was duly admitted, sworn and enrolled a solicitor of the Supreme Court of Judicature for Ontario; that since his admission he has been engaged in the practice of law, as such solicitor; that at the time of obtaining the relief by the said Act mentioned, he was of the opinion that by its provision and the rules of the Law Society, he might present himself and be examined and called to the degree of Barrister-at-Law, without further aid; but such a course would, he finds on application, be against the rules of the said society; and whereas it has been established that the said Delos Rogest Davis is otherwise a proper person to be called to the degree of Barrister-at-Law, and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall and may be lawful for the Law Society of Ontario, upon payment of the usual fees chargeable to students at law, on final examination, to call and admit the said Delos Rogest Davis to the degree of Barrister-at-Law, on his passing at any time or times, the usual final examination prescribed by the rules of the said Law Society, without his complying with any other rules and regulations of the said Law Society in that behalf, any law, usage or custom to the contrary, notwithstanding.

Law Society
may admit
D. R. Davis
a Barrister
on certain con-
ditions.

No. 37,

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to authorize the Law Society of
Ontario to admit Delos R. Davis as a
Barrister-at-law.

First Reading,	1886.
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(Private Bill.)

Mr. BALFOUR.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to authorize the Law Society of Ontario to
admit Delos Rogest Davis as a Barrister-at-Law.

P WHEREAS Delos Rogest Davis, of the Township of Col-
chester, North, in the County of Essex, did, by his Preamble.
petition to the Legislature, bearing date the 21st day of January,
1884, set forth that previous to the year 1874, he had been, for
5 the period of four years, a teacher of public schools; that in
the month of December, 1871, he had been appointed a com-
missioner for taking affidavits, affirmations and recognizances
of bail in the Court of Queen's Bench, at Toronto; that on the
19th day of June, 1873, he had been duly appointed and con-
10 stituted a Notary Public for the Province of Ontario, and that
ever since the year 1873, and from before that time he had
endeavoured and had been anxious to enter the profession of
the law; that in consequence of prejudices against his colour,
and because of his being of African descent he had not been
15 articulated to any attorney or solicitor, or served under articles;
that he had notwithstanding for more than eleven years past
devoted himself to the study of the law, and to its practice so
far as this could legally be done by one who had not been
admitted as a solicitor, and that he had acquired such an
20 education in law, as would, in his opinion, enable him to pass
the final examination prescribed by the Law Society for per-
sons seeking to be admitted as solicitors; and that he was
desirous of being admitted to practise as a solicitor in the
Supreme Court of Judicature for Ontario, and prayed that an
25 Act might be passed to authorize the said Court to admit him
to practise as a solicitor therein upon his passing such final
examination as might be prescribed by the said Society; and
whereas it was established that the said Delos Rogest Davis
was otherwise a proper person to be admitted as a solicitor on
30 his passing such examination; ~~and~~ and whereas the said Delos
Rogest Davis has, by his petition to the Legislature, bearing date
the 29th day of January, 1886, set forth that this Legislature,
during the year 1884, passed an Act to permit him to practise
in the Supreme Court as a solicitor, on his passing such final
35 examination as is required in that behalf, by the Law Society,
and that he did present himself for such examination at the
Easter Sitzings, held in the month of May, A.D. 1885, and
passed the said examination *creditably*, and on the 19th day
of May, 1885, he was duly admitted, sworn and enrolled a
40 solicitor of the Supreme Court of Judicature for Ontario; that
since his admission he has been engaged in the practice of law,
as such solicitor; that at the time of obtaining the relief by
the said Act mentioned, he was of the opinion that by its
provisions and the rules of the Law Society, he might present
45 himself and be examined and called to the degree of Barrister-

at-Law, without *passing the preliminary examination*, but such a course would, he finds on application, be against the rules of the said Society: ~~and~~ and whereas it has been established that the said Delos Rogest Davis has been obliged to encounter and overcome special difficulties in endeavouring to acquire his profession; ~~and~~ and is otherwise a proper person to be called to the degree of Barrister-at-Law, and whereas it is expedient to grant the prayer of the said petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts 10 as follows:—

Law Society
may admit
D. R. Davis
a Barrister
on certain con-
ditions.

1. It shall and may be lawful for the Law Society of Ontario, upon payment of the usual fees chargeable to students at law, on final examination, to call and admit the said Delos Rogest Davis to the degree of Barrister-at-Law, on his passing at any 15 time or times, the usual final examination prescribed by the rules of the said Law Society, without his *passing the preliminary examination for such degree, or* complying with any other rules and regulations of the said Law Society in that behalf, any law, usage or custom to the contrary, notwith- 20 standing.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to authorize the Law Society of Ontario to admit Delos R. Davis as a Barrister-at-law.

(Reprinted as amended by Private Bills Committee.)

First Reading, 11th February, 1886.


(Private Bill.)

Mr. BALFOUR.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to authorize the Law Society of Ontario to admit Delos Rogest Davis as a Barrister-at-Law.

 **W**HEREAS Delos Rogest Davis, of the Township of Colchester, North, in the County of Essex, did, by his petition to the Legislature, bearing date the 21st day of January, 1884, set forth that previous to the year 1874, he had been, for
5 the period of four years, a teacher of public schools; that in the month of December, 1871, he had been appointed a commissioner for taking affidavits, affirmations and recognizances of bail in the Court of Queen's Bench, at Toronto; that on the
10 19th day of June, 1873, he had been duly appointed and constituted a Notary Public for the Province of Ontario, and that ever since the year 1873, and from before that time he had endeavoured and had been anxious to enter the profession of the law; that in consequence of prejudices against his colour, and because of his being of African descent he had not been
15 articulated to any attorney or solicitor, or served under articles; that he had notwithstanding for more than eleven years past devoted himself to the study of the law, and to its practice so far as this could legally be done by one who had not been admitted as a solicitor, and that he had acquired such an education in law, as would, in his opinion, enable him to pass
20 the final examination prescribed by the Law Society for persons seeking to be admitted as solicitors; and that he was desirous of being admitted to practise as a solicitor in the Supreme Court of Judicature for Ontario, and prayed that an Act might be passed to authorize the said Court to admit him to practise as a solicitor therein upon his passing such final
25 examination as might be prescribed by the said Society; and whereas it was established that the said Delos Rogest Davis was otherwise a proper person to be admitted as a solicitor on his passing such examination; ~~and~~ and whereas the said Delos Rogest Davis has, by his petition to the Legislature, bearing date
30 the 29th day of January, 1886, set forth that this Legislature, during the year 1884, passed an Act to permit him to practise in the Supreme Court as a solicitor, on his passing such final examination as is required in that behalf, by the Law Society, and that he did present himself for such examination at the
35 Easter Sittings, held in the month of May, A.D. 1885, and passed the said examination *creditably*, and on the 19th day of May, 1885, he was duly admitted, sworn and enrolled a solicitor of the Supreme Court of Judicature for Ontario; that since his admission he has been engaged in the practice of law,
40 as such solicitor; that at the time of obtaining the relief by the said Act mentioned, he was of the opinion that by its provisions and the rules of the Law Society, he might *forthwith* present himself and be examined and called to the degree of Bar-

risters-at-Law, without *passing the primary examination*, but such a course would, he finds on application, be against the rules of the said Society; and whereas it has been established that the said Delos Rogest Davis has been obliged to encounter and overcome special difficulties in endeavouring to acquire his profession, and is otherwise a proper person to be called to the degree of Barrister-at-Law; and whereas it is expedient to grant the prayer of the said *last mentioned* petition;

Therefore, Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Law Society
may admit
D. R. Davis
a Barrister
on certain con-
ditions.

1. It shall and may be lawful for the Law Society of Ontario upon payment of the usual fees chargeable to students at law, on final examination, to call and admit the said Delos Rogest Davis to the degree of Barrister-at-Law, on his passing at any time or times, the usual final examination prescribed by the rules of the said Law Society, without *passing the primary examination for such degree*, or complying with any other rules and regulations of the said Law Society in that behalf, any law, usage or custom to the contrary, notwithstanding.

No. 37.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to authorize the Law Society of Ontario to admit Delos R. Davis as a Barrister-at-law.

(Reprinted as amended by Committee of Whole House.)

First Reading, 11th February, 1886.
Second " 24th " 1886.

(Private Bill.)

MR. PALFOUR.

TORONTO

PRINTED BY WATKINS & SONS, 26 AND 28 FRONT ST. W.

An Act to incorporate the Toronto Fire Insurance Company.

WHEREAS John Burns, William Galbraith, Donald C. Preamble.
Ridout, Edward Galley, and James D. Edgar, have, by
their petition, prayed for an Act to incorporate them and
others, under the style and title of "The Toronto Fire Insurance
5 Company," for the purpose of insuring property against loss or
damage by fire within the Province of Ontario; and whereas
it is expedient to grant the prayer of said petition;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
10 as follows:

1. The said persons in the preamble mentioned and all other Incorporation.
persons who shall hereafter become stockholders of the said
company, shall be and are hereby constituted a body corporate
and politic by the name of "The Toronto Fire Insurance Com-
15 pany," and by that name shall have perpetual succession and
a common seal, with all other powers incident to and neces-
sary for the purposes hereinafter declared.

2. The capital stock of the said company shall be divided Capital stock.
into five thousand shares of \$100 each, and books of subscrip-
20 tion shall be opened for the said stock in the City of Toronto,
under such regulations as the majority of the directors hereby
appointed shall direct; provided always, that it shall and may
be lawful for the said corporation to increase its capital stock
to a sum not exceeding \$1,000,000, as a majority of the stock-
25 holders, at a meeting specially convened for that purpose, shall
agree upon.

3. Any person or persons may subscribe for such and so Subscription
many shares as he, she or they may think fit, and twenty per for stock and
centum thereof may be called for by the directors as soon as calls.
30 they deem it expedient, and the remainder may be called for
in such instalments as a majority of the directors may deter-
mine upon, but such instalments shall not be called for or become
payable in less than thirty days after public notice shall be
given in the *Ontario Gazette*, and in at least one newspaper
35 published in the City of Toronto and by circular addressed to
each stockholder at his, her, or their last known residence; if
any stockholder aforesaid shall refuse or neglect to pay to the
said directors the instalment due upon any share or shares held
by him, her, or them, at the time required so to do, such stock-
40 holder or stockholders, as aforesaid, shall forfeit such share or
shares as aforesaid, together with the amount previously paid
thereon, at the option of the directors, and such forfeited share

or shares may be sold by the directors after such notice to the holder thereof as they may direct, and the moneys arising therefrom shall be applied for the purposes of the said company: provided always, that in case the money produced by any sale of shares be more than sufficient to pay all arrears of interest with the costs and expenses of such sale, the surplus money shall be paid on demand to the owner, and no more shares shall be sold than shall be deemed necessary to pay all such arrears, interest and expenses: provided always, that nothing herein contained shall prevent the directors of the said company from enforcing the payment of any calls if payment of such arrears of calls, interest, costs and expenses, be made before any share or shares so forfeited and vested in the company shall have been sold, such share or shares shall revert to the person or persons to whom the same belonged before such forfeiture, as if such calls had been duly met.

Powers of
company.

4. The said company shall have power and authority to make and effect any contract or contracts of insurance with any person or persons, body, corporate or politic, against loss or damage by fire on any house, store, building, ship, boat, shipping, or vessels whatsoever, or on any goods, chattels or personal estate whatever under such modifications and restrictions as may be bargained or agreed upon or set forth, and to cause themselves to be reinsured against any risk or loss they may have incurred in the course of their business, and generally to do and perform all the necessary matters and things connected with and proper to promote those objects; provided always, that all risks insured against shall be within the Province of Ontario.

Powers
respecting
land and in-
vestment
funds.

5. The said corporation shall be in law capable of acquiring by purchase, lease or otherwise, and of holding absolutely any lands or tenements for their actual use and occupation in the course of their business, and may sell, lease, convey, transfer and dispose of the same as to them shall seem expedient; provided always, that nothing in this Act shall be considered as permission to hold permanently any real estate beyond the annual value of \$10,000; and the said corporation may also hold such real estate as shall have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts or judgments which shall have been obtained for such debts; and it shall be lawful for the said corporation to purchase and hold, for the purpose of investing therein any part of their funds or money, Public securities of the Dominion of Canada or of any of the Provinces forming or to form said Dominion, and the bonds of and debentures of any of the Municipal Corporations of the Province of Ontario, and also to sell and transfer the same, and again to renew such investments when and so often as a due regard to the interests of said corporation may require, and also to make loans of the funds of the corporation on mortgages on real estate in the Province of Ontario at any legal rate of interest, with power to receive such interest in advance or otherwise, and the same investments to call in and re-loan as occasion may require.

Dividends to
policy holders

6. It shall be lawful for the directors to return to the holders of the policies or other instruments such part or parts of the actual realised profits of the company, in such parts,

shares and proportions and at such times and in such manner as the said directors may deem advisable; and to enter into obligations so to do either by endorsements on the policies or otherwise; provided always, that such holders of policies or other instruments shall not be held to be in any wise answerable for the debts or losses of the company, beyond the amount of the premium or premiums which may have been actually paid up by him or them. Proviso.

7. The property, business and affairs of the company shall be managed by a board of not less than five nor more than seven directors, which board in the first instance and until other directors shall be chosen and appointed as hereafter provided, shall consist of the persons mentioned in the preamble of this Act. Board of directors.

8. So soon as the whole or capital stock of the said company shall have been subscribed for and taken up, and ten per centum thereof shall have been paid into some one or more of the chartered banks in the Province of Ontario to the credit of the company, it shall and may be lawful for the shareholders to proceed to the election of directors, by ballot, at such time and place as the directors hereby appointed shall appoint, giving at least ten days' notice in some daily newspaper published in the City of Toronto; and the said directors shall be elected by a majority of the votes of the stockholders then present or represented at such meeting, and shall hold office until the first annual meeting of the company shall take place; and they and all subsequently elected directors shall also be at the time of their election respectively, and during their continuance in office, stockholders to the amount of not less than twenty shares of the stock of the company on which all calls due have been paid, and shall have power to choose from among themselves a President and Vice-President; and until \$ of stock shall have been subscribed and ten per centum paid thereon, and directors elected under this clause, the said company shall not take any risk or do any business of an insurance company. First election of directors.

9. The after directors of the company shall be elected by the shareholders, in general meeting of the company assembled, at such times, in such wise, and for such term, not exceeding two years as the by-laws of the company may prescribe. Subsequent election of directors.

10. In default of other express provisions in such behalf by the by-laws of the company: Provisions respecting elections of directors.

1. Such election shall take place yearly, all the members of the board retiring, and if otherwise qualified, being eligible for re-election;

2. Notice of the time and place for holding general meetings of the company shall be given at least ten days previously thereto in some daily newspaper published in the City of Toronto, where the principal office of the company shall be;

3. At all general meetings of the company every shareholder shall be entitled to as many votes as he owns shares in the company, and may vote by proxy, and elections of directors shall be by ballot;

4. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term from among the qualified shareholders of the company.

Company not dissolved by failure to elect directors.

11. If at any time an election of directors is not made or does not take effect at the proper time, the company shall not be held to be thereby dissolved; but the election may take place at any general meeting of the company duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. 5

Statement of affairs to be made at annual meeting.

12. At the annual general meeting of the company and before the shareholders then assembled, the board of directors shall exhibit a full and unreserved statement of the affairs of the company, of the funds, property, and securities, shewing the amount in real estate and mortgages, and other securities, or in public debt or other stock, and the amount of debt due to and by the said company. 10 15

Power of Directors.

13. The directors of the company shall have full power in all things to administer the affairs of the company, and may make or cause to be made for the company any description of contract which the company may by law enter into. 20

By-laws.

14. The directors may, from time to time, make by-laws not contrary to law, nor to this Act, to regulate;

- (a) The allotment of stock, the making of calls thereon the payment thereof, the issue and registration of payments of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and the proceeds thereof, the transfer of stock;
- (b) The declaration and payment of dividends;
- (c) The appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company, their remuneration and that of the directors;
- (d) The time at which and place where the annual meetings of the company shall be held;
- (e) The calling of meetings, regular and special, of the board of directors, and of the company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings;
- (f) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law;
- (g) The rates and amounts of insurance, the issuing of policies and the conduct in all other particulars of the affairs of the company;

And may from time to time repeal, amend or re-enact the same; but every such by-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at the general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat shall, at and for that time only, cease to have force. 35 40 45 50

15. A copy of any by-law of the company under its seal and purporting to be signed by any officer of the company shall be received as *prima facie* evidence of such by-law in all courts in this Province. Evidence of by-laws.

16. One-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in a written requisition to the board. Powers to call special meetings.

17. The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions and restrictions as by this Act, or by the by-laws of the company may be prescribed; and the stock shall be allotted when and as the directors by by-law or otherwise may ordain. Stock to be personal estate.

18. The directors for the time being shall receive a reasonable compensation for their attendance at the board, to be paid out of the funds of the company, and to be ascertained and determined by a by-law or rule of the board; and the said directors shall not be answerable for or chargeable with the defaults, neglect, or misdeeds of others of them. Fees to directors.

19. All policies, deeds, cheques, mortgages, leases, bonds and other instruments, issued or entered into by the said company, shall be signed by the President, Vice-President, or Managing Director, and countersigned by the Secretary or other officer of the company as may be, by said directors from time to time, ordered and agreed upon by by-law or ordinance of the company, and being so signed and countersigned shall be held to be binding upon the company according to the tenor and meaning thereof. Execution of policies and other instruments.

20. The directors of the company may call in and demand from the shareholders thereof respectively, all sums of money by them subscribed at such time and place and in such payments or instalments as this Act may require or allow; and interest shall accrue and fall due at the legal rate for the time being upon the amount of any unpaid call, from the day appointed for payment of such call. Calling in instalments.

21. The company may enforce payment of calls and interest thereon by action in any court of competent jurisdiction, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each whereby an action has accrued to the company under this Act; and a certificate under the seal and purporting to be signed by any officer of the company to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect. Enforcing payment of calls.

Restriction on transfers. **22.** No share shall be transferable until all previous calls thereon have been fully paid in or until declared forfeited for non-payment of calls thereon; and no shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company. 5

Company not to be liable in respect of trusts. **23.** The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the stockholder, his attorney, or agent, in whose name the same may stand in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such trust. 15

Votes of executors, etc. **24.** Every executor, administrator, guardian or trustee shall represent the stock in his hands at all meetings of the company, and may vote accordingly as a shareholder.

Liability of shareholders. **25.** Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs against such shareholders. 20 25

Liability limited. **26.** The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever, relating to or connected with the company beyond the amount of their respective shares in the capital stock thereof. 30

Trustees, etc., not personally liable. **27.** No person holding stock in the company as an executor, administrator, guardian, or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator, or intestate, or the minor, ward, and disqualified person, or the person interested in such trust fund would be, if living and competent to act, and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability; but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly. 35 40

Trustee may vote. **28.** Every such executor, administrator, guardian, or trustee shall represent the stock in his hands at all meetings of the company and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings and may vote accordingly as a shareholder. 45

Dividends to be paid from profits only. **29.** No dividend shall be paid out of stock, nor except from the genuine net profits of the company, its business and investments. 50

30. If the directors of the company declare and pay any dividend when the company is insolvent, or any payment of which renders the company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the Company as to the individual shareholders and creditors thereof, for all the debts of the company then existing, and for all thereafter contracted during their continuance respectively; but if any director present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof, and able so to do, enters on the minutes of the Board of Directors his protest against the same, and within eight days thereafter causes such protest to be published in at least one newspaper published in the city of Toronto, or as near as may be possible to the place where the office or chief place of business of the company is, then such director may thereby, and not otherwise, exonerate himself from such liability.

Liability of directors declaring a dividend improperly.

31. Any description of action may be prosecuted and maintained between the company and any shareholder thereof.

Actions between Company and shareholders.

32. If any insurance shall be and subsist in the said company, and in any other office, or from and by another person or persons at the same time, the insurance made in and by the said company shall be deemed and become void, unless such double insurance subsist with the consent of the directors, signified by endorsement on the policy, signed by the President, Secretary or otherwise, as directed by the by-laws and regulations of the company.

Double insurance.

33. The company shall cause a book or books to be kept by the Secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded the names, alphabetically arranged, of all persons who are or have been shareholders, the address and calling of every such person while such shareholder, the number of shares of stock held by each shareholder, the amounts paid in and remaining unpaid respectively on the stock of each shareholder, all transfers of stock in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof, and the names, addresses and calling of all persons who are or have been directors of the company, with the several dates at which each person became or ceased to be such a director.

Record books to be kept and what to contain.

34. The directors may refuse to allow the entry in any such book of any transfer of stock whereof the whole amount has not been paid in, and no transfer of stock shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor, to the company and their creditors, until entry thereof has been duly made in such book or books.

Refusal to enter transfer if calls not paid.

35. This Act shall in no wise be forfeited for non-user at any time before the first day of January 1890.

When Act forfeited for non-user.

No. 38.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to incorporate the Toronto Fire
Insurance Company.

First Reading,	1886.
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(Private Bill.)

Mr. FERRIS.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act to incorporate the Toronto Fire Insurance Company.

WHEREAS John Burns, William Galbraith, Donald C. Preamble.

Ridout, Edward Galley, and James D. Edgar, have, by their petition, prayed for an Act to incorporate them and others, under the style and title of "The Toronto Fire Insurance Company," for the purpose of insuring property against loss or damage by fire within the Province of Ontario; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said persons in the preamble mentioned and all other persons who shall hereafter become stockholders of the said company, shall be and are hereby constituted a body corporate and politic by the name of "The Toronto Fire Insurance Company," and by that name shall have perpetual succession and a common seal, with all other powers incident to and necessary for the purposes hereinafter declared. Incorporation.

2. The capital stock of the said company shall be divided into five thousand shares of \$100 each, and books of subscription shall be opened for the said stock in the City of Toronto, under such regulations as the majority of the directors hereby appointed shall direct; provided always, that it shall and may be lawful for the said corporation to increase its capital stock to a sum not exceeding \$1,000,000, as a majority of the stockholders, at a meeting specially convened for that purpose, shall agree upon. Capital stock.

3. Any person may subscribe for such and so many shares as he may think fit, and twenty per centum thereof may be called for by the directors as soon as they deem it expedient, and the remainder may be called for in such instalments as a majority of the directors may determine upon, but such instalments shall not be called for or become payable in less than thirty days after public notice shall be given in the *Ontario Gazette*, and in at least one newspaper published in the City of Toronto and by circular addressed to each stockholder at his last known residence; if any stockholder aforesaid shall refuse or neglect to pay to the said directors the instalment due upon any share or shares held by him at the time required so to do, such stockholder or stockholders, as aforesaid, shall forfeit such share or shares as aforesaid, together with the amount previously paid thereon, at the option of the directors, and such forfeited share Subscription for stock and calls.

Proviso.

or shares may be sold by the directors after such notice to the holder thereof as they may direct, and the moneys arising therefrom shall be applied for the purposes of the said company: provided always, that in case the money produced by any sale of shares be more than sufficient to pay all arrears of interest with the costs and expenses of such sale, the surplus money shall be paid on demand to the owner, and no more shares shall be sold than shall be deemed necessary to pay all such arrears, interest and expenses: provided, *however*, that nothing herein contained shall prevent the directors of the said company from enforcing the payment of any calls. If payment of such arrears of calls, interest, costs and expenses, be made before any share or shares so forfeited and vested in the company shall have been sold, such share or shares shall revert to the person or persons to whom the same belonged before such forfeiture, as if such calls had been duly met.

Powers of company.

4. The said company shall have power and authority to make and effect any contract or contracts of insurance with any person or persons, body corporate or politic, against loss or damage by fire on any house, store, building, ship, boat, shipping, or vessels whatsoever, or on any goods, chattels or personal estate whatever under such modifications and restrictions as may be bargained or agreed upon or set forth, and to cause themselves to be reinsured against any risk or loss they may have incurred in the course of their business, and generally to do and perform all the necessary matters and things connected with and proper to promote those objects; provided always, that all risks insured against shall be within the Province of Ontario.

Powers respecting land and investment of funds.

5. The said corporation shall be in law capable of acquiring by purchase, lease or otherwise, and of holding absolutely any lands or tenements for their actual use and occupation in the course of their business, and may sell, lease, convey, transfer and dispose of the same as to them shall seem expedient; provided always, that nothing in this Act shall be considered as permission to hold permanently any real estate beyond the annual value of \$10,000; and the said corporation may also hold such real estate as shall have been *bona fide* mortgaged to them by way of security, or conveyed to them in satisfaction of debts or judgments which shall have been obtained for such debts; and it shall be lawful for the said corporation to purchase and hold, for the purpose of investing therein any part of their funds or money, Public securities of the Dominion of Canada or of any of the Provinces of the said Dominion, and the bonds of and debentures of any of the Municipal Corporations of the Province of Ontario, and also to sell and transfer the same, and again to renew such investments when and so often as a due regard to the interests of said corporation may require, and also to make loans of the funds of the corporation on mortgages on real estate in the Province of Ontario at any legal rate of interest, with power to receive such interest in advance or otherwise, and the same investments to call in and re-loan as occasion may require.

Dividends to policy holders.

6. It shall be lawful for the directors to return to the holders of the policies or other instruments such part or parts of the actual realised profits of the company, in such parts,

shares and proportions and at such times and in such manner as the said directors may deem advisable; and to enter into obligations so to do either by endorsements on the policies or otherwise; provided always, that such holders of policies or other instruments shall not be held to be in any wise answerable for the debts or losses of the company, beyond the amount of the premium or premiums which may have been actually paid up by him or them. Proviso.

7. The property, business and affairs of the company shall be managed by a board of not less than five nor more than seven directors, which board in the first instance and until other directors shall be chosen and appointed as hereafter provided, shall consist of the persons mentioned in the preamble of this Act. Board of directors.

8. So soon, as at least \$200,000 of the capital stock of the said company shall have been subscribed for and taken up, and ten per centum thereof shall have been paid into some one or more of the chartered banks in the Province of Ontario to the credit of the company, it shall and may be lawful for the shareholders to proceed to the election of directors, by ballot, at such time and place as the directors hereby appointed shall appoint, giving at least ten days' notice in some daily newspaper published in the City of Toronto; ~~and~~ and a further notice by registered letter duly addressed to each shareholder, at least ten days previous to such meeting; ~~and~~ and the said directors shall be elected by a majority of the votes of the stockholders then present or represented at such meeting, and shall hold office until the first annual meeting of the company shall take place; and they and all subsequently elected directors shall also be at the time of their election respectively, and during their continuance in office, stockholders to the amount of not less than twenty shares of the stock of the company on which all calls due have been paid, and shall have power to choose from among themselves a President and Vice-President; and until \$200,000 of stock shall have been subscribed, and not less than twenty per centum paid thereon, and directors elected under this clause, the said company shall not take any risk or do any business of an insurance company. First election of directors.

9. The after directors of the company shall be elected by the shareholders, in general meeting of the company assembled, at such times, in such manner, and for such term, not exceeding two years as the by-laws of the company may prescribe. Subsequent election of directors.

10. In default of other express provisions in such behalf by the by-laws of the company: Provisions respecting elections of directors.

1. Such election shall take place yearly, all the members of the board retiring, and if otherwise qualified, being eligible for re-election;

2. Notice of the time and place for holding all general meetings of the company shall be given at least ten days previously thereto in some daily newspaper published in the City of Toronto, where the principal office of the company shall be; ~~and~~ and also either by publishing the same in the *Ontario Gazette*, or by mailing the same as a registered letter duly addressed to each shareholder, at least ten days previous to such meeting; ~~and~~

3. At all general meetings of the company every shareholder shall be entitled to as many votes as he owns shares in the company, and may vote by proxy, and elections of directors shall be by ballot;

4. Vacancies occurring in the board of directors may be filled for the unexpired remainder of the term *by the Board* from among the qualified shareholders of the company. 5

Company not dissolved by failure to elect directors.

11. If at any time an election of directors is not made or does not take effect at the proper time, the company shall not be held to be thereby dissolved; but the election may take place at any general meeting of the company duly called for that purpose, and the retiring directors shall continue in office until their successors are elected. 10

Statement of affairs to be made at annual meeting.

12. At the annual general meeting of the company and before the shareholders then assembled, the board of directors shall exhibit a full and unreserved statement of the affairs of the company, of the funds, property, and securities, shewing the amount in real estate and mortgages, and other securities, or in public debt or other stock, and the amount of debt due to and by the said company. 15 20

Power of Directors.

13. The directors of the company shall have full power in all things to administer the affairs of the company, and may make or cause to be made for the company any description of contract which the company may by law enter into.

By-laws.

14. The directors may, from time to time, make by-laws not contrary to law, nor to this Act, to regulate; 25

- (a) The allotment of stock, the making of calls thereon the payment thereof, the issue and registration of payments of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and the proceeds thereof, the transfer of stock; 30
- (b) The declaration and payment of dividends;
- (c) The appointment, functions, duties and removal of all agents, officers and servants of the company, the security to be given by them to the company, their remuneration and that of the directors; 35
- (d) The time at which and place where the annual meetings of the company shall be held;
- (e) The calling of meetings, regular and special, of the board of directors, and of the company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings; 40
- (f) The imposition and recovery of all penalties and forfeitures admitting of regulation by by-law;
- (g) The rates and amounts of insurance, the issuing of policies and the conduct in all other particulars of the affairs of the company; 45

And may from time to time repeal, amend or re-enact the same; but every such by-law, and every repeal, amendment or

re-enactment thereof, unless in the meantime confirmed at the general meeting of the company duly called for that purpose, shall only have force until the next annual meeting of the company, and in default of confirmation thereat shall, at and 5 from that time only, cease to have force.

15 15. A copy of any by-law of the company under its seal and purporting to be signed by any officer of the company shall be received as *prima facie* evidence of such by-law in all courts in this Province. Evidence of by-laws.

10 16. One-fourth part in value of the shareholders of the company shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in a written requisition to the board. Powers to call special meetings.

15 17. The stock of the company shall be deemed personal estate, and shall be transferable in such manner only, and subject to all such conditions and restrictions as by this Act, or by the by-laws of the company may be prescribed; and the stock shall be allotted when and as the directors by by-law or otherwise may ordain. Stock to be personal estate.

20 18. The directors for the time being shall receive a reasonable compensation for their attendance at the board, to be paid out of the funds of the company, and to be ascertained and determined by a by-law of the board; and the said directors shall not be answerable for or chargeable with the defaults, 25 neglect, or misdeeds of others of them. Fees to directors.

30 19. All policies, deeds, cheques, mortgages, leases, bonds and other instruments, issued or entered into by the said company, shall be signed by the President, Vice-President, or Managing Director, and countersigned by the Secretary or other officer of the company as may be by said directors from time to time, ordered and agreed upon by by-law of the company, or *resolution of the Board of Directors*, and being so signed and countersigned shall be held to be binding upon the company according to the tenor and meaning thereof. Execution of policies and other instruments.

35 20. The directors of the company may call in and demand from the shareholders thereof respectively, all sums of money by them subscribed at such time and place and in such payments or instalments as this Act may require or allow; and interest shall accrue and fall due at the legal rate for the time 40 being upon the amount of any unpaid call, from the day appointed for payment of such call. Calling in instalments.

45 21. The company may enforce payment of calls and interest thereon by action in any court of competent jurisdiction, and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each 50 whereby an action has accrued to the company under this Act; and a certificate under the seal and purporting to be signed by Enforcing payment of calls.

any officer of the company to the effect that the defendant is a shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all courts of law and equity as *prima facie* evidence to that effect. 5

Restriction on transfers.

22. No share shall be transferable until all previous calls thereon have been fully paid in or until declared forfeited for non-payment of calls thereon; and no shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the company. 10

Company not to be liable in respect of trusts.

23. The company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the stockholder, his attorney, or agent, in whose name the same may stand in the books of the company, shall be a valid and binding discharge to the company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the company, and the company shall not be bound to see to the application of the money paid upon such trust. 15 20

Liability of shareholders.

24. Each shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the company to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor before execution against the company has been returned unsatisfied in whole or in part, and the amount due on such execution shall be the amount recoverable, with costs against such shareholders. 25

Liability limited.

25. The shareholders of the company shall not as such be held responsible for any act, default or liability whatsoever of the company, or for any engagement, claim, payment, loss, injury, transaction, matter, or thing whatsoever, relating to or connected with the company beyond the amount of their respective shares in the capital stock thereof. 30

Trustees, etc., not personally liable.

26. No person holding stock in the company as an executor administrator, guardian, or trustee, shall be personally subject to liability as a shareholder, but the estates and funds in the hands of such person shall be liable in like manner and to the same extent as the testator, or intestate, or the minor, ward, and disqualified person, or the person interested in such trust fund would be, if living and competent to act, and holding such stock in his own name; and no person holding such stock as collateral security shall be personally subject to such liability; but the person pledging such stock shall be considered as holding the same and shall be liable as a shareholder accordingly. 35 40 45

Trustee may vote.

27. Every such executor, administrator, guardian, or trustee, shall represent the stock in his hands at all meetings of the company and may vote accordingly as a shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings and may vote accordingly as a shareholder. 50

28. No dividend shall be paid out of stock, nor except from the genuine net profits of the company, its business and investments. Dividends to be paid from profits only.

29. If the directors of the company declare and pay any dividend when the company is insolvent, or any payment of which renders the company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the Company as to the individual shareholders and creditors thereof, for all the debts of the company then existing, and for all thereafter contracted during their continuance respectively; but if any director present when such dividend is declared, forthwith, or if any director then absent, within twenty-four hours after he has become aware thereof, and able so to do, enters on the minutes of the Board of Directors his protest against the same, and within eight days thereafter causes such protest to be published in at least one newspaper published in the city of Toronto, or as near as may be possible to the place where the office or chief place of business of the company is, then such director may thereby, and not otherwise, exonerate himself from such liability. Liability of directors declaring a dividend improperly.

30. Any description of action may be prosecuted and maintained between the company and any shareholder thereof. Actions between Company and shareholders.

31. If any insurance shall be and subsist in the said company, and in any other office, or from and by another person or persons at the same time, the insurance made in and by the said company shall be deemed and become void, unless such double insurance subsist with the consent of the directors, signified by endorsement on the policy, signed by the President, Secretary or otherwise, as directed by the by-laws and regulations of the company. Double insurance.

32. The company shall cause a book or books to be kept by the Secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded the names, alphabetically arranged, of all persons who are or have been shareholders, the address and calling of every such person while such shareholder, the number of shares of stock held by each shareholder, the amounts paid in and remaining unpaid respectively on the stock of each shareholder, all transfers of stock in their order as presented to the company for entry, with the date and other particulars of each transfer, and the date of the entry thereof, and the names, addresses and calling of all persons who are or have been directors of the company, with the several dates at which each person became or ceased to be such a director. Record books to be kept and what to contain.

33. The directors may refuse to allow the entry in any such book of any transfer of stock whereof the whole amount has not been paid in, and no transfer of stock shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor, to the company and their creditors, until entry thereof has been duly made in such book or books. Refusal to enter transfer if calls not paid.

When Act
forfeited for
non-user.

34. This Act shall in no wise be forfeited for non-user at any time before the first day of January 1890.

Application
of general
enactments as
to fire insur-
ance com-
panies.

35. ~~The~~ The company shall be subject to all general laws which have been or may hereafter be enacted by the Legisla- 5
ture of Ontario, in reference to companies carrying on the
business of fire insurance. ~~and~~

No. 38.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to incorporate the Toronto Fire
Insurance Company.

(Reprinted as amended by Private Bills
Committee.)

First Reading, 10th February, 1886.

(Private Bill)

Mr. FERRIS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act Respecting Certain Aid to the London and South-Eastern Railway Company.

WHEREAS the Municipal Council of the corporation of the City of London has presented its petition setting forth that the said municipal council has submitted to the vote of the qualified electors of the said City of London, a by-law to authorize the said council to grant to The London and South-Eastern Railway Company a bonus not exceeding the sum of \$75,000, and free water and exemption from taxation for any period not exceeding ten years, on certain conditions in said by-law set forth, and such other conditions as to the said council may seem meet: that the said by-law has received the assent of a large majority of the said electors, and that doubts exist as to the validity of the said by-law and the power of the said municipal council to pass the same without legislative authority, and have prayed for the passing of an Act to enable the said council to pass the necessary by-law for the purposes aforesaid, without again submitting it to the vote of the electors, and it is expedient to grant the prayer of the said petition; Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall be lawful for the corporation of the City of London, notwithstanding the provisions of section 7 of the Act passed in the thirty-fifth year of Her Majesty's reign, intituled *An Act Respecting the Debt of the City of London*, or any other Act or law to aid The London and South-Eastern Railway Company, by granting to it a bonus not exceeding \$75,000 and free water, and exemption from taxation for any period not exceeding ten years, and for the said municipal council to pass a by-law for granting such aid.

2. It shall not be necessary to submit the said by-law for the assent of the electors according to the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto.

3. The said by-law may provide for the issue of debentures for the amount of the money aid which may be granted as aforesaid, and such debentures may be made payable at such period not exceeding thirty years from the date thereof as may be deemed expedient, and may bear interest at such rate not exceeding six per centum per annum, as the said municipal council shall think fit, and the interest may be made payable yearly or half-yearly, and coupons for the payment thereof may be attached to the said debentures.

Debentures
may be pay-
able in sterling
or currency.

4. The said debentures and the interest thereof, may be made payable in sterling money of Great Britain or currency of any country, and may be made payable in Ontario, Great Britain or elsewhere.

How powers
may be ex-
ercised.

5. The powers conferred by this Act may be exercised in respect of any railway company which may be incorporated during the present session for constructing a railway from the city of London to the Canada Southern Railway, crossing the Credit Valley Railway east of the City of St. Thomas, though the company incorporated for that purpose shall not bear the name of The London and South-Eastern Railway Company.

No. 39.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting certain Aid to the
London and South-Eastern Railway
Company.

First Reading, 1886.

(Private Bill)

Mr. MEREDITH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to authorize the City of London to aid the
London and South-Eastern Railway Company
and other Railways.

- W**HEREAS the Municipal Council of the corporation of the City of London has presented its petition setting forth that the said municipal council has submitted to the vote of the qualified electors of the said City of London, a by-law to authorize the said council to grant to the London and South-Eastern Railway Company a bonus not exceeding the sum of \$75,000, on certain conditions in the said by-law set forth, and such other conditions as to the said council may seem meet: that the said by-law has received the assent of a large majority of the said electors, and that doubts exist as to the validity of the said by-law and the power of the said municipal council to pass the same without legislative authority, ~~and~~ and that the said municipal council is desirous of aiding other railways for the purpose of affording additional traffic facilities, for the use of the said city and the surrounding country, to the amount of not more than \$150,000, ~~and~~ and have prayed for the passing of an Act to enable the said council to pass the necessary by-laws for the purposes aforesaid, and it is expedient to grant the prayer of the said petition;
- Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the corporation of the City of London, notwithstanding the provisions of section 7 of the Act passed in the 35th year of Her Majesty's reign, intituled *An Act Respecting the Debt of the City of London*, or any other Act or law to aid The London and South-Eastern Railway Company, by granting to it a bonus, or loan, or part bonus and part loan, not exceeding \$75,000 in the whole, and for the said municipal council to pass a by-law for granting such aid.

2. It shall not be necessary to submit the said by-law for the assent of the electors according to the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto.

3. The said by-law may provide for the issue of debentures for the amount of the money aid which may be granted as aforesaid, and such debentures may be made payable at such period not exceeding thirty years from the date thereof as may be deemed expedient, and may bear interest at such rate not exceeding six per centum per annum, as the said municipal

Preamble.

Corporation of City of London, authorized to grant bonus of \$75,000.

Assent of electors not required.

By-law may provide for terms of payment of debentures.

council shall think fit, and the interest may be made payable yearly or half-yearly, and coupons for the payment thereof may be attached to the said debentures.

Debentures may be payable in sterling or currency.

4. The said debentures and the interest thereof, may be made payable in sterling money of Great Britain or currency of any country, and may be made payable in Ontario, Great Britain or elsewhere. 5

Power to grant aid to companies.

5. The said corporation may also, notwithstanding the provisions of the said in part recited Acts, or any other Act or law, aid any other railway company or companies hereafter to be constructed, whose line of railway leads to or touches the said City of London, by granting to such company or companies such bonus, loan or aid, not exceeding in the whole \$150,000, as to the said corporation may seem meet. 10

Amount under sec. 1, limited.

6. In the event of the powers conferred by section 1 of this Act being exercised, the said sum of \$150,000 shall be reduced by such sum, as shall be granted by way of bonus or loan under the authority of said section 1. 15

Application of sec. 3.

7. Section 3 of this Act shall apply to all by-laws passed under the authority of this Act. 20

Application of sec. 4.

8. Section 4 of this Act shall apply to all debentures issued under the authority of this Act. 25

By-laws to conform to Municipal Act.

9. Every by-law passed under the authority of section 5 shall be passed in conformity with the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto. 30

Exemption of property of G. T. R. from assessment for any bonus granted under this Act.

10. All property owned, used or occupied by the Grand Trunk Railway Company of Canada, for the purposes of their railway shall not, nor shall any part thereof be assessed or charged for or in respect of any bonus, loan or aid so granted, and all such property so owned, used or occupied by the said Grand Trunk Railway Company of Canada shall be exempt from taxation for or on account of any bonus, loan or aid so granted. 35

Limit of Exemption.

11. The exemption from taxation provided for by the next preceding section shall, in case the aid be given by making a loan under the authority of this Act, extend only to the sum by which the rate levied to meet the principal and interest of the loan shall exceed the interest or other revenue received by the said corporation for or by reason of such loan, and applied towards meeting its expenditure for the year. 40

3rd Session, 5th Legislature, 40 Vic., 1886.

BILL.

An Act to authorize the City of London to aid the London and South-Eastern Railway Company and other Railways.

(Reprinted as amended by Railway Committee.)

First Reading, 10th March, 1886.

(Private Bill.)

MR. MEREDITH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act to authorize the City of London to aid the
London and South-Eastern Railway Company
and other Railways.

WHEREAS the Municipal Council of the corporation of the Preamble.

- City of London has presented its petition setting forth that the said municipal council has submitted to the vote of the qualified electors of the said City of London, a by-law to
5 authorize the said council to grant to the London and South-Eastern Railway Company a bonus not exceeding the sum of \$75,000, on certain conditions in the said by-law set forth, and such other conditions as to the said council may seem meet: that the said by-law has received the assent of a large majority
10 of the said electors, and that doubts exist as to the validity of the said by-law and the power of the said municipal council to pass the same without legislative authority, ~~and~~ and that the said municipal council is desirous of aiding other railways for the purpose of affording additional traffic facilities, for the use
15 of the said city and the surrounding country, to the amount of not more than \$150,000, ~~and~~ and have prayed for the passing of an Act to enable the said council to pass the necessary by-laws for the purposes aforesaid, and it is expedient to grant the prayer of the said petition;
- 20 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. It shall be lawful for the corporation of the City of London, notwithstanding the provisions of section 7 of the Act
25 passed in the 35th year of Her Majesty's reign, intituled *An Act Respecting the Debt of the City of London*, or any other Act or law to aid The London and South-Eastern Railway Company, by granting to it a bonus, or loan, or part bonus and part loan, not exceeding \$75,000 in the whole, and
30 for the said municipal council to pass a by-law for granting such aid.
- Corporation of City of London, authorized to grant bonus of \$75,000.

2. It shall not be necessary to submit the said by-law for the assent of the electors according to the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto.
- Assent of electors not required.

3. The said by-law may provide for the issue of debentures for the amount of the money aid which may be granted as aforesaid, and such debentures may be made payable at such period not exceeding thirty years from the date thereof as may be deemed expedient, and may bear interest at such rate not
40 exceeding six per centum per annum, as the said municipal
- By-law may provide for terms of payment of debentures.

council shall think fit, and the interest may be made payable yearly or half-yearly, and coupons for the payment thereof may be attached to the said debentures.

Debentures may be payable in sterling or currency.

4. The said debentures and the interest thereof, may be made payable in sterling money of Great Britain or currency of any country, and may be made payable in Ontario, Great Britain or elsewhere. 5

Power to grant aid to companies.

5. The said corporation may also, notwithstanding the provisions of the said in part recited Acts, or any other Act or law, aid any other railway company or companies hereafter to be constructed, whose line of railway leads to or touches the said City of London, by granting to such company or companies such bonus, loan or aid, not exceeding in the whole \$150,000, as to the said corporation may seem meet. 10

Amount under sec. 1, limited.

6. In the event of the powers conferred by section 1 of this Act being exercised, the said sum of \$150,000 shall be reduced by such sum, as shall be granted by way of bonus or loan under the authority of said section 1. 15

Application of sec. 3.

7. Section 3 of this Act shall apply to all by-laws passed under the authority of this Act. 20

Application of sec. 4.

8. Section 4 of this Act shall apply to all debentures issued under the authority of this Act. 25

By-laws to conform to Municipal Act.

9. Every by-law passed under the authority of section 5 shall be passed in conformity with the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto. 30

Exemption of property of G. T. R. from assessment for any bonus granted under this Act.

10. All property owned, used or occupied by the Grand Trunk Railway Company of Canada, for the purposes of their railway shall not, nor shall any part thereof be assessed or charged for or in respect of any bonus, loan or aid so granted, and all such property so owned, used or occupied by the said Grand Trunk Railway Company of Canada shall be exempt from taxation for or on account of any bonus, loan or aid so granted. 35

Limit of Exemption.

11. In case the aid be given by making a loan under the authority of this Act, and any interest, income or other revenue shall be received by the said corporation, in respect or by reason of such loan, such interest, income, or other revenue, shall in each year, during the currency of the debentures issued under the authority of this Act, be applied in reduction of the annual sums required to be raised in such year to pay the interest of and provide a sinking fund to meet such debentures; and the exemption provided by the next preceding section shall extend to so much of the said annual sums as shall not be satisfied by the application of such interest, income or other revenue. 40

No. 39.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to authorize the City of London to aid the London and South-Eastern Railway Company and other Railways.

*(Reprinted as amended by Committee of
Whole House.)*

First Reading,	10th February,	1886.
Second	" 12th	" 1886.

(Private Bill.)

MR. MEREDITH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to authorize the Village of Caledonia to issue
certain Debentures.

WHEREAS the Corporation of the Village of Caledonia, in Preamble.
the County of Haldimand, have by their petition represented that on the first day of July, 1886, there will mature eight debentures of said Corporation of \$1,000 each, and on the
5 first day of July, 1891, four other debentures also of \$1,000 each; and whereas the said corporation have further represented that funds have not been provided for redeeming said debentures and that it would be oppressive upon the rate-
payers of said village to levy rates to meet the same as they
10 become due, but that it would be in their interest to obtain an Act authorizing the issue of debentures maturing within twenty years in order to retire the same; and whereas it is expedient to grant the prayer of the said petition;
15 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. It shall be lawful for the said corporation from time to time to pass a by-law or by-laws authorizing the issue of debentures under the corporate seal of the said corporation, signed
20 by the reeve and countersigned by the treasurer for the time being of said village said debentures, to be for \$500 each, and not to exceed twenty-four in number. Issue of certain debentures authorized.

2. The said debentures shall be payable respectively on the first day of July in each year, in accordance with schedule A
25 of this Act, and coupons shall be attached thereto for the payment of interest thereon at the rate of six per cent. per annum, and the interest shall be payable half yearly on the first days of January and July in each year, at the places mentioned in the said debentures, and in the coupons attached thereto. Mode in which debentures are to be payable.

30 3. The said debentures in the preceding section mentioned, shall be exchanged for the twelve debentures of \$1,000 each first hereinabove mentioned, or the proceeds thereof applied to the redemption of said debentures first hereinabove mentioned, or in part for each of said purposes and not otherwise. Application of debentures.

35 4. The debentures to be issued under this Act may be in the form contained in the Schedule B to this Act. Form of debentures.

5. The by-law or by-laws for the issuing of the debentures authorized by this Act may be in the form of Schedule C to
this Act. Form of by-law.

Debentures or
by-law not
invalidated by
irregularities.

6. No irregularity in the form of the said debentures or any of them, or of any by-law authorising the issue thereof, shall render the same invalid or illegal, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof. 5

Assent of
electors to by-
law not
required.

7. It shall not be necessary to obtain the assent of the electors of the said village for the passing of any by-law under this Act, or to observe in relation thereto the formalities prescribed by *The Consolidated Municipal Act 1883*, or any Act amending the same. 10

Mode of
citation.

8. This Act may be cited as "*The Village of Caledonia Debenture Act, 1886*."

SCHEDULE A.

(Section 2.)

Debentures authorized to be issued under this Act with year of payment:

Year payable.	Amount.	Year payable.	Amount.
1888	\$ 500	1897	\$ 500
1889	500	1898	500
1890	500	1899	1,000
1891	500	1900	500
1892	500	1901	500
1893	1,000	1902	1,000
1894	500	1903	500
1895	500	1904	1,000
1896	1,000	1905	1,000

SCHEDULE B.

(Section 4.)

PROVINCE OF ONTARIO, VILLAGE OF CALEDONIA.

Under and by virtue of *The Village of Caledonia Debenture Act, 1886*, the Corporation of the Village of Caledonia, in the County of Haldimand, promise to pay the bearer at the sum of \$500 on the first day of July, 18 and the half yearly coupons for interest thereon, hereto attached, as the same shall severally become due.

Dated, at Caledonia, Ontario, this day of
A.D., 18.

SCHEDULE C.

(Section 5.)

By-law to authorize the issue of debentures for the sum of under the authority of *The Village of Caledonia Debenture Act, 1886.*

Whereas the said Act authorizes the issue of debentures for the purpose therein mentioned not exceeding \$12,000 in the whole, as the corporation of the Village of Caledonia, in the County of Haldimand, may, in pursuance of, and in conformity with, the provisions of the said Act, direct;

And whereas for the purpose mentioned in the said Act, it is necessary and expedient to issue debentures to the extent of \$ payable with interest thereon at the rate of six per centum per annum, payable half yearly according to the coupons to the said debentures attached;

And whereas the amount of whole ratable property of the said village, according to the last revised assessment roll, being for the year 18 was ;

Therefore the corporation of the said village, enacts as follows:

1. That debentures under the said Act and for the purpose therein mentioned to the extent of the sum of payable as aforesaid, are hereby authorized and directed to be issued.

2. The said debentures shall have coupons thereto attached for the payment of interest at the rate of six per centum per annum, payable half yearly on the first days of January and July in each year.

This by-law passed in open council, this day of
in the year of Our Lord, 18

No. 40.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to authorize the Village of Cal-
donia to issue certain Debentures.

First Reading,	1886.
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(Private Bill.)

Mr. BAXTER.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the City of Toronto.

WHEREAS, the Corporation of the City of Toronto have, Preamble.
 by their petition, prayed for special legislation relating
 to the several matters and things hereinafter set forth, and
 whereas it is expedient to grant the prayer of the said petition :
 5 Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows :—

Esplanade Improvement.

1. The Council of the Corporation of the City of Toronto Establishment
of new water
lot front line.
 10 may subject to the approval of the Lieutenant Governor of
 Ontario in Council, and of the Governor General of Canada in
 Council, pass a by-law, or by-laws, to establish a new water
 lot front line on the harbour front of Toronto Bay in lieu of
 the present front line, known as the Windmill Line, and to
 15 extend the said water lot front line southerly into the Bay,
 into deeper water, and to take the lands and lands covered by
 water to the north of such new line, provided always that in
 the event of the passage of any such by-law, or by-laws the
 lands covered by water and any other lands, tenement premises
 20 or hereditaments, so taken shall be added to and form part of
 the water lot property, in rear thereof, and may be granted to
 the said, the Corporation of the City of Toronto upon trust to
 convey so much of the said lands and lands covered with water
 as lies in front of the water lots, not the property of the said
 25 City, to the respective owners of such water lots uncondition-
 ally, and to lease such portions thereof as lie in front of the
 water lots now owned by the said Corporation, and leased by
 them to the present lessees of such water lots respectively
 at a nominal rental for the unexpired term of the
 30 lease of the said water lot or lands in rear to which the
 addition is made, and after the expiration of such term shall be
 subject to right of renewal upon the same terms and conditions
 as the lease of such water lot or other land to which the
 additions are made.

35 **2.—(1)** The Council of the Corporation of the City of Roadway
adjoining the
Esplanade.
 Toronto may pass a by-law or by-laws :—For entering upon,
 taking and using, so much land and land covered with
 water, as may be necessary for the opening up, making and
 constructing a public highway not more than eighty
 40 feet in width, immediately to the south of and adjoining the
 Esplanade front of the said city, from Brock Street eastward
 to the eastern termination of the said Esplanade, and to con-
 tinue the same street eastward to Beachall Street and the

River Don, making due compensation therefor to the parties entitled thereto, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts, in that behalf;

Provided, that from Berkley Street, east, the alignment of the street or any crossings of it over the Grand Trunk Railway Company's property, shall be subject to an agreement with that Company, or failing such agreement, shall be settled by Walter Shanly, Esquire, C. E., or by an Engineer to be agreed upon by the said Corporation, and the said Company in the event of his death or refusal to act; and provided also, that the width of the street shall not exceed sixty feet unless a portion or the whole of the said street shall be situated on property other than that of the Grand Trunk Railway Company, in which event the said street may be made of a width of eighty feet; and, provided further, that the said street shall in any event be laid out as the said Engineer may determine, so as not to destroy the use of the said Company's property for railway purposes, the said Engineer having the power to make the said street eighty feet in width throughout, if he shall think proper so to do.

(2). The said City of Toronto shall not grant or dedicate any part or portions of the said street for railway purposes until the Railway Companies interested in the Esplanade or desiring to use the said street, have entered into an agreement or otherwise arranged as in the manner hereinafter set forth and provided.

Authority to borrow \$300,000 for improving the Esplanade front, opening up and making a new highway to the south thereof.

3.—(1) Notwithstanding anything in *The Consolidated Municipal Act 1883*, and amending Acts, or any special or private Acts, relating to the City of Toronto and the debenture debt thereof, to the contrary, it shall, and may be lawful for the Council of the City of Toronto, to pass all such by-laws as may from time to time be necessary to raise loans by the issue and sale of debentures, and for borrowing money: such debentures to be made payable within forty years from the date thereof, or such less time as the Council may determine, to an amount not exceeding \$300,000, for the purpose of acquiring the lands, and lands covered by water, necessary for opening up a highway, and for the purpose of filling in the same, and constructing a highway south of the Esplanade front, and from Brock Street to Beachall Street, and the Don River in the City of Toronto: provided, that before passing any such by-law, taking any such land, or undertaking any such work, proper surveys and plans of survey of the lands required to be taken, shall be made; plans, drawings, profiles and specifications of the works to be done shall be prepared, and proper estimates of the total cost of the improvement shall be obtained, and shall be submitted to and approved of by the Council; and provided, also, that the question of the undertaking the proposed improvement and works at the estimated cost, shall be submitted to and approved of by the vote of the majority of the electors qualified to vote on money by-laws, voting thereon, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts, but thereafter it shall not be necessary to submit the by-laws providing for the issue of the debentures and for borrowing money from time to time, the sum of money authorized by the ratepayers, to carry on and complete the said improvement and works to the vote of the electors.

(2) The debentures to be issued under the provisions of this enactment, and moneys borrowed thereunder, shall not be reckoned as part of the general city debt, and the provisions of the Act, passed in the 42nd year of Her Majesty's reign, and chapter 75, whereby the general debenture debt of the city is limited, shall not apply to any debt created under this enactment;

(3) All moneys borrowed under the provisions of this enactment shall be kept apart and as a separate fund, to be known as the Esplanade Improvement Fund, and shall be applied to no other purpose than the purposes herein mentioned.

(4) The debentures to be issued in pursuance of this enactment shall be known and designated as "City of Toronto Esplanade Improvement Debentures," and shall be so designated on the face thereof.

4. Nothing in the preceding sections of this Act contained shall impair, affect or take away the rights, powers and privileges of the Grand Trunk Railway Company of Canada, or of the property holders as they now exist, with regard to making sidings or siding accommodation connecting said Company's railway with the wharves, warehouses, yards or other establishments of property owners south of said new street, or with said Company's own property south of the said street; and no railway company shall have the right to lay down a track or tracks along said street or any part of it unless and until an agreement with the other railway companies interested in the present Esplanade, shall have been entered into between the said companies respecting the same, or in the event of difference arising, such difference shall have been decided by an arbitrator to be appointed by the said parties mutually between them, or failing such arbitration until authorized to do so by an Act of the Legislature of the Province of Ontario.

Rights not affected.

Don River Improvement.

5. In view of the necessity which exists for improving the Don River, and securing the sanitary condition of that part of the City of Toronto contiguous to the said river, it is hereby enacted that the Council of the City of Toronto shall have power and authority; and they are hereby authorized and empowered:—

Powers as to entering or acquiring lands and making contracts.

1. To at any time enter with their engineers, surveyors servants or agents, upon the land of any person or corporation lying between the waters of Toronto Bay, or Lake Ontario, and the line of Bloor Street, produced easterly across the River Don, and within a range or distance of 1,000 feet on either side of the said river, as at present located, for the purpose of making all necessary surveys, and taking all necessary levels, and doing all other things necessary and proper to enable them to determine upon the most feasible plan of improving the River Don and the lands in the valley on either side thereof, adjacent thereto, and securing the sanitary condition of the neighbourhood;

2. To enter upon, take, use and acquire all land, and land covered by water lying between the waters of Toronto Bay,

or Lake Ontario, and the said line of Bloor Street, produced easterly across the said River Don, and within a range or distance of 400 feet on either side of the centre line of the said river, as laid out on a map or plan prepared, or to be prepared, and adopted by the said Council, for the purpose of straightening, widening, deepening and improving the said river, reclaiming the flat lands on either side thereof, and filling in and otherwise improving the same, and fitting the said lands for such uses and purposes as they may see fit;

3. To enter upon, take, and appropriate for the use of the said city, any lands of the Crown lying between the said last mentioned boundaries that have not been already granted or sold, and also so much of the public beach, or of the land covered with the waters of the bay or lake, within a range of 500 feet on either side of the centre of the said river, as shown on the said plan;

4. To enter into any contract or contracts with any person or persons, or body corporate, who may be willing to undertake the same for the purpose of straightening the course of the said River Don between the line of Bloor Street, produced easterly, as aforesaid, and the Bay, or Lake Ontario (but such course need not necessarily be in a straight line), for widening said river to a width of not more than 120 feet, to deepen the same to such depth as the said Council may see fit, to fill in, improve, and raise the land on either side thereof, within the limits aforesaid, to such height as the said Council may see fit, and generally to carry out and complete all such works connected with the improvement of the said river, and the securing of the sanitary condition of the neighbourhood, as the said Council may be advised to be proper and necessary for the uses and purposes contemplated by this Act;

5. To contract with the owners and occupiers of the lands which the said Council is hereby authorized to take, within the limits aforesaid, and those having an interest in or right to use the said river within the limits above mentioned, for the purchase of the said lands, or of any part thereof, or of any privilege that may be required for the purposes of the said corporation in connection with the works and improvements contemplated by this Act;

6. In case of any disagreement between the Council and the owners or occupiers of, or other persons interested in any lands entered upon, taken or used by the said corporation in the exercise of any of the powers conferred by this Act, or injuriously affected by the exercise of said powers, as to the amount of purchase money of the said lands, or of any part thereof, or as to the amount of compensation to be made to any such person, every such dispute and claim shall be settled and determined by arbitration, under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto, if any, on that behalf.

7. To lay out the said lands, after the completion of each section of the said improvement and works as hereinafter provided, on either side of the said river, according to such plan or plans of survey, as they may see fit, reserving next the margin of the said river, and the waters thereof, within the limits

aforesaid, a strip of land not less than twenty-five feet in width for the purposes of railway tracks, switches and sidings, to be used and occupied as hereinafter mentioned, and reserving also on either side of the said river, within the limits aforesaid, and immediately adjoining the said reservation for railway purposes, a strip of land along the whole length thereof, within the limits aforesaid, not less than fifty feet in width for the purpose of a public highway or street.

6. Upon the certificate of the City Engineer or other officer having charge of said work or improvements, that sections two, three, four and five thereof, as hereinafter defined, have been duly completed and laid out according to a plan as above provided, the said council shall cause the total cost of the lands, improvements and works, including amounts paid for compensation and otherwise in connection with the said four sections and interest paid on temporary loans, if any, to be ascertained; and shall ascertain and determine the proportion, part or share of the said total cost, including interest as aforesaid, chargeable in respect of each and every lot or parcel of land as the same shall appear upon the plan of survey so to be made as aforesaid, after the completion of the said sections two, three, four, and five, of which completion the certificate of the said Engineer or other officer in charge of the said work shall be sufficient evidence. In ascertaining and determining the amount chargeable in respect of and against each lot as aforesaid, the said Council shall proceed, as in the case of assessing for local improvements, under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto; and when the said assessments shall have been made and finally confirmed, the City Clerk shall cause a copy thereof to be filed in the Registry office for the City of Toronto, and give notice of such filing once in each week for four weeks in at least two of the daily newspapers published in the city of Toronto.

Assessment of improvements.

7. Any person or corporation who may have owned any such lot or lots of land prior to its expropriation by the said Council under the provisions of this Act, or the heirs or assigns or successors of any such previous owner shall, where any such lot adjoins other property belonging to him or them, and lies between such other property and the channel of the said river improvements, at any time within one year after the publication of the notice of filing a copy of the said assessment in the registry office for the City of Toronto, as above provided, be entitled, upon payment to the said corporation of the amount charged against any such lot or lots, together with interest thereon from the date of the assessment, to have a conveyance of the lot or lots executed by the said Corporation (upon tendering the same for execution), and the said lot or lots shall be so conveyed free and clear of all charges and encumbrances, and of the lien created by this Act.

Conveyances to owners of lots expropriated.

- 8.—(1) If for any reason, such as the existence of valuable buildings and improvements upon any lands situate within the four hundred feet limit on either side of the centre line of the Don River channel so to be straightened as aforesaid, or if for any other reason, it shall not be deemed desirable to take any portion of the said lands beyond the quantity required for the formation of the new channel, and the said allowance for rail-

Corporation may take less than 400 feet on each side of the river channel.

way and highway purposes; the said Council may take only so much land as may be necessary for the purposes last above mentioned, and shall take such other lands now on one side of the river as shall, by the effect of the improvement be transferred to the other side of the river when straightened and improved, as herein provided. 5

(2) Any lands now on one side of the river which shall be cut off from the lots to which the same now belong by the effect of the proposed improvement, and transferred to the other side of the river when straightened shall, upon payment 10 of the cost thereof, together with a proportionate part of the cost of the improvement, to be ascertained and determined as herein provided within one year after the completion of the works, be conveyed to the owner of the lands which shall adjoin the same on such other side of the river. 15

(3) In any case where the said Council shall take a less quantity of land than four hundred feet, on either side of the centre line of the new channel, the lands within the four hundred feet limit not taken, adjoining the improvement, shall become liable to be specially assessed, and shall be specially 20 assessed in respect of said improvement, as for a local improvement, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf, but no such special assessment upon any lot, piece or parcel of land shall exceed the actual value of the benefit derived by said lands from 25 the said improvement, the amount of such benefit to be ascertained, under the provisions of the municipal Acts, in that behalf.

Publication of estimates, etc. 9. The Council of the Corporation of the City of Toronto shall, before commencing the straightening and improvement of 30 the Don River and Marsh lands under the provisions of this Act, cause to be prepared, proper plans of survey to be made and proper plans, profiles, drawings and specifications of the work to be done and improvements made, and procure estimates of the probable cost of the lands to be taken and improvements 35 to be made, shewing the probable amount which will be charged against, assessed and levied upon the lands benefited as for a local improvement, and the amount or proportion of the cost of such improvements which will be assumed and paid for by the City at large, and shall cause the same to be duly 40 published for the information of the ratepayers, and they shall also submit the question of undertaking the said work at the estimated cost to a vote of the electors qualified to vote on money by-laws under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf. 45

Commence-ment of works. 10. In the event of a majority of the said electors voting in favour of and approving the said scheme, the said improvement and works shall be proceeded with without delay, and no by-law for raising any loan by the issue of debentures for any of the purposes aforesaid, shall require to 50 be submitted to a vote of the electors for approval before the final passing thereof, anything in the said *Consolidated Municipal Act, 1883*, and amendments thereto, or any special or private Act or Acts to the contrary, notwithstanding.

11. No debt, incurred under the provisions of this Act, except so much as may be incurred to meet that part of the cost of the said improvements and works to be charged to and paid for by the City at large as the City's share thereof, shall be reckoned as the debt of the City proper, and as coming within the limitation of the City debt as fixed by the said Act passed in the 42nd year of Her Majesty's reign and chaptered 75.

Expenditure not to be considered as part of the city debt.

12. It shall and may be lawful for the said Council to make agreements with any railway company or companies whereby any such railway company or companies may acquire the use of the reservation for railway purposes above provided for, upon such conditions as may be agreed upon between the said Council and any such company or companies: provided always that no one railway company shall acquire any exclusive right of property in or control over the same or any part thereof, and all railways shall be entitled to the use thereof upon equal terms, and upon paying their just share and proportion of any expenditure which shall have been made or which may at any time require to be made for construction, maintenance and repairs of tracks, switches, and other necessary works required for the proper use thereof, and the fee of the said land shall always remain in the Corporation of the City of Toronto.

Agreements with Railway Companies.

13. The said contracts may be let, and the said works may be carried on and completed in sections as follows:

Work may be done in sections.

1. The first section shall extend from the line of Bloor Street, produced easterly across the said river, as aforesaid, southerly to the line of Winchester Street, produced easterly across said river;

2. The second section shall extend from the said line of Winchester Street produced, southerly to the line of Carleton Street produced, easterly across said river;

3. The third section shall extend from the said produced line of Carleton Street southerly, to the produced line of King Street across the said river;

4. The fourth section shall extend from the said produced line of King Street southerly, to the line of Eastern Avenue, produced easterly across the said river;

5. The fifth section shall extend from the said produced line of Eastern Avenue southerly, to the northern boundary line of the marsh lands heretofore patented to and belonging to the City of Toronto;

6. The sixth section shall extend southerly, or otherwise, to the waters of the Bay, or Lake Ontario, and to such point as may be determined by the said Council.

14. The said Council may commence the said works and carry on the same from time to time at such point or points, and upon such section or sections, as may to them seem best and most advantageous: provided always that the above sections, numbered two to six, both inclusive, shall be proceeded with and carried to completion with as little delay as possible.

Manner in which works may be carried on by Council.

Erection of
bridges.

15. The said Council shall have full power and authority to erect and build over and across the said river at such points and places, and in such manner as they may deem best, all such bridges, with proper approaches thereto, as they may consider necessary, and may change the location of any existing highway bridge. 5

Leasing of
certain lots by
Council.

16. The said Council shall also have full power and authority to lease or sell any lot or lots of the said lands, as the same may be laid out upon the plan of survey, so to be made as aforesaid, which shall remain the property of the City of 10 Toronto, after the time shall have expired within which previous owners or their representatives may be entitled to a conveyance, as herein provided; and said lots may be so leased or sold upon such terms as to the said Council may seem best: provided always that no such lot shall be sold for a less sum than 15 the amount appearing chargeable against it by the assessment so to be made and filed as aforesaid, nor shall any lot be leased for a longer period or term than forty-two years. Lots sold as above provided, shall be sold and conveyed, freed and discharged of the lien created by this Act, but the purchase money 20 thereof shall be paid into, and form part of the sinking fund hereinafter mentioned.

Borrowing
powers.

17. In view of the present unsanitary condition of that part of the said river and neighbourhood hereinafter mentioned, and of the necessity of commencing said works without delay, it 25 shall and may be lawful for the said Council, notwithstanding anything in *The Consolidated Municipal Act, 1883*, or any special or private Act relating to the City of Toronto contained, and subject as hereinbefore provided, to pass such By-laws as may from time to time be necessary to raise a loan or loans for 30 such amount or amounts, not exceeding in all \$300,000, as may be necessary for the purposes of improving that part of the said River Don lying below and south of the line of Winchester Street, produced easterly across the said river, and the construction and completion of the works connected therewith, 35 including the purchase money for lands taken and compensation for damages as above provided, and to issue any number of debentures payable in this Province, or elsewhere, in sums of not less than \$100, which may be requisite and necessary therefor. 40

Form of
debentures.

18. The debentures to be issued for the purposes aforesaid shall be payable in forty years from the respective dates thereof or such shorter period as the Council may determine with interest thereon, in the meantime, at a rate not exceeding six per centum per annum, payable half-yearly; and for the purpose of 45 redeeming the said debentures and paying the interest thereon, it shall and may be lawful for the said Council in any By-law or By-laws to be passed for authorizing any such loan or loans, or any part thereof, and the issuing of debentures therefor, to impose a special rate per annum upon all ratable real and per- 50 sonal property in the municipality, to be called "The Don River and Marsh Lands Improvement Rate," over and above and in addition to all other rates to be levied in each year, which shall, together with such annual sum as the said Council may receive from the rentals of the said lands so to be improved 55 and leased as aforesaid, or any of them, or income or revenue

derived from the said improvements and works, or any of them, under any leases or agreements in that behalf with any persons or corporations who may use or occupy the same, or any part thereof, and from any special assessments which shall be made upon lands benefited, but not taken, as hereinbefore provided, be sufficient to form a sinking fund to retire said debentures when the same mature, over and above the interest payable on such debentures, which sinking fund shall be invested in each year either in the debentures provided for by this Act, or in other debentures of the municipality or Government debentures.

19. The said Council may, in their option, in lieu of issuing debentures under this Act, issue debentures to an amount not exceeding the said sum of \$300,000, for the purposes aforesaid, under the provisions of the Act passed by the Legislature of the Province of Ontario, in the 42nd year of the reign of Her Majesty, chaptered 75, entitled, *An Act respecting the Debenture Debt and certain property of the City of Toronto*. Powers to issue debentures under 42 V. cap. 75.

20. The works and improvements to be constructed under the provisions of this Act, and all lands to be acquired for the purposes thereof, or in connection therewith, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation for the purposes of this Act, except as to so much of the debt as may be incurred to defray the City's share of the cost of the said improvements, including the cost of bridges as well as for the due and punctual payment of the interest thereupon, unless and until the same are freed and discharged under the provisions of section 21 of this Act; and all rents, issues and profits, or other income in any manner derived therefrom, or from any part thereof, shall be paid into a special fund, and be applied in and towards the payment of the interest accruing, due from time to time upon any loan or loans which may have been obtained under the provisions of this Act, and all amounts which may be paid in or received at any time and from time to time, other than income or rents, shall be placed to the credit of, and form part of, the sinking fund created by this Act, and shall be invested by the said Corporation either in the purchase of the debentures issued under authority of this Act, or of other debentures of the City of Toronto, or of Government debentures. Improvements to be a charge on the land.

21. The several sections of this Act, from section 5 to section 20, both inclusive, shall not apply to the lands or property used or required by the Grand Trunk Railway Company of Canada for their railway sidings or works, unless otherwise agreed upon between the said City and the said Company, and then only to the extent so agreed upon—and with respect to any other lands of the said Company which may be affected by the improvements in the said sections authorized, the said Company shall fill in, and do all the work required in making said improvements on the said lands, according to the plans fixed for said works, subject to the approval of the Engineer in charge of the said works, on behalf of the City, and no part of the property of the said Railway Company shall be taken or charged under this Act, as in the said sections provided. Sections 5-20 not to apply to Grand Trunk Railway.

Consumers' Gas Company.

Power of Gas
Company to
accumulate
rest.

22. The Consumers' Gas Company of Toronto consenting hereto, it is hereby enacted that the said Company may from time to time, out of its earnings, accumulate and maintain a reserve fund which, together with the assets now invested on 5 any of the securities hereafter mentioned, less the amount of the debts owing by the Company, shall not exceed the value of fifty per. cent of the amount of the capital stock of the Company from time to time actually paid up, and may invest the same in Mortgages of Real Estate, Municipal Debentures, and Pub- 10 lic Securities of the Dominion of Canada and of the Province of Ontario, and after the accumulation of such reserve and subject to its maintenance, the Board of Directors shall, at intervals of not less than once in each five years, fix the price of gas at such a sum only as in their judgment will be neces- 15 sary to produce a yearly income therefrom sufficient for the payment of all outgoings of the Company, and for the accumulation and maintenance of a reasonable fund for repairs and renewal of plant and buildings, and for payment of dividends on the amount of their capital stock from time to time paid up, 20 according to their corporate powers in that behalf, which is hereby limited to ten per centum per annum upon the par value of the amount of capital stock from time to time actually paid up and which may be paid quarterly, but no such extensions of the Company's works as would be properly 25 chargeable to capital account, shall be paid out of the ordinary earnings of the Company from the sale of gas, but the cost of all such extensions shall be paid out of funds realized from the issue of new capital stock or assets of the Company, other than the then current receipts for gas sold to consumers. 30

Power to issue
additional
stock.

23. It shall be lawful for the said the Consumers' Gas Company of Toronto, to add to their present capital stock any sum not exceeding \$500,000, divided into shares of \$50 each, provided that such increase of capital stock shall be agreed upon by a majority of the votes of the shareholders present 35 at any annual general meeting or meetings, or at any special general meeting or meetings called from time to time for that purpose.

Power to
further in-
crease stock.

24. After the capital stock of said Company shall have been increased by the amount of said \$500,000 hereinbefore 40 authorized, and after the whole amount of such increase shall have been paid up and expended by the Company in their works or capital account, the Lieutenant-Governor in Council may from time to time authorise and empower the Company to further increase their capital stock to an amount in all not exceeding 45 \$500,000, such further increase to be divided into shares of \$50 each; and any new stock forming part of any increase of capital stock made under the authority of this Act, or of the Lieutenant-Governor in Council, shall be dealt with in all respects as if the same formed part of the last increase of 50 capital stock of said Company made under the authority of this Legislature prior to the passing of this Act.

Yearly state-
ment by
company.

25. Once in each year the Company shall make out and deposit with the Provincial Secretary a summary containing

the particulars required by section 49 of chapter 150 of the Revised Statutes, except that the same shall show the state of the affairs of the Company at the close of its then last financial year, instead of the thirty-first of December as therein mentioned, 5 which summary shall be verified in manner required by said section.

26. In case the Corporation of the City of Toronto at the Commission of
 expiration of any period of five years' petitions for a Com- inquiry.
 mission to issue under the great seal to enquire whether the
 10 Company is charging a higher rate for gas supplied to the
 consumers than it is entitled to charge therefor, and if suffi-
 cient cause is shewn, the Lieutenant-Governor in Council may,
 after notice to and after hearing the Company issue a Com-
 mission accordingly, and the Commissioner or Commissioners
 15 or such one or more of them as the Commission empowers to
 act, shall have the same power to summon witnesses, enforce
 their attendance, and compel them to produce documents and
 to give evidence as any court has in civil cases.

27. The expenses to be allowed for executing the com- Costs of
 20 mission shall be determined and certified by the Treasurer of commission.
 Ontario, and shall thenceforth become a debt due to the Com-
 missioner or Commissioners by the said City, and shall be
 payable within three months after demand thereof made by
 the Commissioners or any one of them at the office of the
 25 Treasurer.

28. In any case where the Commissioner or Commissioners Payment of
 or such one or more of them as the commission empowers to costs according
 act shall report that the Company has wilfully and knowingly to event.
 contravened or evaded the provisions of this or any other Act
 30 or agreement limiting the profits or dividends of the Company
 the City shall be entitled to be paid by the Company all the costs
 and expenses properly incurred by the City in and about the
 such commission forthwith, after taxation by the taxing officer,
 of the Chancery Division of the High Court of Justice, as
 35 between party and party, on the scale of the Superior Court Tariff
 of costs and including the said expenses allowed for executing
 the commission and in default of such Commissioner or Commis-
 sioners as aforesaid, so reporting, the said City shall pay to
 said Company all the costs and expenses properly incurred by
 40 the Company in and about such commission forthwith, after
 taxation in manner and on the scale aforesaid, but such com-
 mission shall not issue at shorter intervals than once in each
 period of five years.

29. The Council of the Corporation of the City of Toronto Cattle market.
 45 may pass a by-law for taking so much land as may be required
 for a new cattle market, subject to the right of the owner or
 owners to receive all due and proper compensation therefor,
 the same to be settled by arbitration under the provisions of
The Consolidated Municipal Act, 1883, and amending Acts in
 50 that behalf, in case the parties differ about the same: provided,
 that no by-law for the taking or purchasing of any such
 lands for the purposes aforesaid, shall be passed until the
 necessary funds shall have been first provided by by-law sub-
 mitted to and approved of by the vote of the ratepayers duly
 55 qualified to vote on such by-law under *The Consolidated Muni-
 cipal Act, 1883*.

Reduction of
sinking fund
under 42 V.
c. 31.

30. The Council of the Corporation of the City of Toronto may pass by-laws for authorizing the reduction of the annual sinking fund rate, or amount required to be collected under local improvement by-laws passed by the council prior to the Act passed by the Legislative Assembly of the Province of Ontario, in the 42nd year of the reign of Her Majesty, chaptered 31, and for making allowance for the interest accrued from the investment of the amounts of sinking heretofore collected under such by-laws; provided always that in settling the sum to be raised annually for the remaining years which any such by-law has to run for the payment of the debt, in lieu of the sinking fund rate, fixed by the original by-law, the rate of interest on future investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly: provided also that no by-law reducing the sinking fund rates, fixed by any such local improvement by-law, shall become valid or effectual until the same shall have been assented to by the Lieutenant-Governor in Council.

Power to
guarantee
local improve-
ment debentures.

31. In the matter of by-laws passed, or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder, and add to their commercial value, it shall be lawful for the said City of Toronto to declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the city at large, any thing contained in sub-section (d) to section 343, of *The Consolidated Municipal Act, 1883*, to the contrary notwithstanding.

Assessments
in St. Mark's
Ward.

32. In the matter of the recent annexation of the late Municipality of the Village of Brockton to the City of Toronto as St. Mark's Ward in the said city, and with regard to the by-laws passed by the council of said late Municipality of Brockton, set out in the schedule to the Act passed in the 47th year of Her Majesty's reign, chapter 47, and with regard to any other by-laws passed by the said Council, authorizing the issue of debentures for general school or local improvement purposes, or for incurring debts by way of temporary loans in anticipation of the completion of works, and ascertaining the exact cost thereof in anticipation of the future local special assessments to be made upon the properties benefited by the improvements, and the passage of by-laws for the issue of debentures to retire such temporary loans, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf, in order to remove all doubts as to the validity of said by-laws and assessments, where made, and the value of any debentures issued under such by-laws, and in order to provide for the payment of the principal and interest of the debts incurred by the said late Village of Brockton, for the construction of such local improvements to be paid for by special assessments where such assessments have not been made; it shall be lawful for the Council of the Corporation of the City of Toronto to pass by-laws providing for new and proper special local assessments, where assessments have been heretofore made by the Council of the said late Village of Brockton in lieu of the assessments and ratings heretofore made upon real property benefited by such local improvements, and for making proper special local assessments, where local improvements have been made with money borrowed in

anticipation of the special assessments thereafter to be made upon the real property benefited, and where such assessments have not yet been made; and for providing funds to meet the local improvement debts incurred by the said late Village of
 5 Brockton, as well upon the credit of the Village at large, as upon the security of the local special assessments made or to be made, and for providing for the issue of debentures under the seal of the said city, and for assessing and levying all sufficient rates for providing the interest to be paid,
 19 and the sinking fund to be invested in relation thereto: provided that after the making of such new assessments and ratings, and the passing of said by-laws any ratings heretofore made in that behalf, shall be held to be null and void, save and except as to any payments thereunder, which payments
 15 shall be duly adjusted for the benefit of the parties concerned in bringing the new assessments and ratings into effect; and it shall be further lawful for the said City of Toronto to exchange the debentures so to be issued, for the purposes aforesaid, under the seal of the said city for any debentures of the late
 20 Village of Brockton which may have been sold or are held by parties, either by absolute purchase or as security for cash advances made to the said late municipality.

33. All by-laws heretofore passed by the said Council of the Corporation of the City of Toronto, for borrowing money
 25 on the general credit of the city to provide for the payment of the city's share of local improvements and works, for borrowing money by the issue of debentures secured by special assessment on the Toronto Street Railway Company, to provide for the payment of the cost of their share of local improvements
 30 and works, and for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such improvements and works, are hereby declared valid and effectual.

34.—(1) Notwithstanding anything in *The Consolidated*
 35 *Municipal Act, 1883*, and amendments thereto, or any special or private Act relating to the said City of Toronto and the debenture debt thereof, to the contrary it shall and may be lawful, subject as hereinafter provided, for the council of the Corporation of the City of Toronto to pass all such by-laws as
 40 may from time to time be necessary to raise loans, and for borrowing money by the issue and sale of debentures of the City of Toronto; such debentures to be made payable within forty years, or such less time as the council may determine, to an amount not exceeding the sum of \$1,500,000, for the
 45 purpose of carrying out a complete system of drainage, and constructing the necessary works connected therewith and required therefor, and for improving the sanitary condition of the City of Toronto: provided that before passing any such by-law or undertaking such work, a
 50 system of drainage, together with an estimate of the cost thereof, shall be submitted to and approved by the council and provided also that the question of undertaking the construction of such system of drainage and the necessary works connected therewith at the estimated costs thereof, shall be submitted to and approved of by the vote of the majority of
 55 the electors voting thereon, entitled to vote on money by-laws under the provisions of *The Consolidated Municipal Act*,

Confirmation
of by-laws and
debentures.

Authority to
borrow
\$1,500,000 for
drainage
purposes.

1883, and amending Acts, but thereafter it shall not be necessary to submit the by-laws providing for the issue of the debentures and for borrowing, from time to time the sum of money authorized by the ratepayers to carry on and complete the said improvement and works to the vote of the electors. 5

(2) Debentures issued under the provisions of this enactment and the moneys borrowed thereunder, shall not be reckoned as part of the general city debt, and the provisions of the Act passed in the 42nd year of Her Majesty's reign, chaptered 75, whereby the general debenture debt of the city 10 is limited, shall not apply to any debt created under this enactment.

(3) All moneys borrowed under the provisions of this enactment shall be kept apart and as a separate fund, to be known as the Drainage Fund, and shall be applied to no other purposes than the purposes herein mentioned. 15

(4) The debentures to be issued in pursuance of this enactment shall be known and designated as "City of Toronto Public Drainage Debentures," and shall be so designated on the face thereof. 20

No. 41.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the City of Toronto.

First Reading, , 1886.

(Private Bill.)

Mr. MORRIS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the City of Toronto.

WHEREAS, the Corporation of the City of Toronto have, Preamble.
 by their petition, prayed for special legislation relating
 to the several matters and things hereinafter set forth, and
 whereas it is expedient to grant the prayer of the said petition :

5 Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows :—

1. Section 246, of *The Consolidated Municipal Act, 1883*, is 46 V. c. 18,
 hereby amended in so far as the same relates to the City of s. 246, amend-
 10 Toronto, to read as follows : “ The Clerk of the City of Toronto ended so far
 shall, on or before the thirty-first day of December, in each as relates to
 year, under a penalty of \$20, to be paid to the Treasurer of Toronto.
 Ontario in case of default, transmit to the Treasurer of Ontario
 a true return of the number of resident ratepayers appearing
 15 on the last revised assessment roll of the Municipality, and
 shall accompany such return with an affidavit of the correct-
 ness of the same, made before a Justice of the Peace, verifying
 the same according to information and belief in the following
 form :

I, A.B., Clerk of the Municipality of the City of Toronto, make oath
 and say, that to the best of my information and belief, the above written
 or annexed return contains a true statement of the number of resident
 ratepayers appearing upon the last revised assessment roll of the said
 city, made in the year one thousand eight hundred and

Sworn before me. etc.,

(signed),

A.B.,

City Clerk.

20 2. The Council of the Corporation of the City of Toronto
 may subject to the approval of the Lieutenant Governor of Establishment
 Ontario in Council, and of the Governor General of Canada in of new water
 Council, pass a by-law, or by-laws, to establish a new water lot front line.
 lot front line on the harbour front of Toronto Bay in lieu of
 25 the present front line, known as the Windmill Line, and to
 extend the said water lot front line southerly into the Bay,
 into deeper water, and to take the lands and lands covered by
 water to the north of such new line, provided always that in
 the event of the passage of any such by-law, or by-laws the
 30 lands covered by water and any other lands, tenement premises
 or hereditaments, so taken shall be added to and form part of
 the water lot property, in rear thereof (if any) or to the lands
 adjoining the same on the north, and shall be granted or leased,
 as the case may be, by the said corporation to the owner or
 35 lessee of such water lot or other lands in rear thereof, and shall
 thereafter form part of such water lot or other lands in rear
 thereof, and in case of lots held under lease from the corporation

the lease of such additional land or land covered by water shall be granted at a nominal rental for the unexpired term of the lease of the said water lot or lands in rear to which the addition is made, and after the expiration of such term shall be subject to right of renewal upon the same terms and conditions as the lease of such water lot or other land to which the additions are made. 5

Limitation of rate for school and police purposes.

3. The amount which the Public School Board of the City of Toronto may require the council to provide for Public School purposes in any year shall not, (exclusive of any sum which may be raised by the issue of debentures for expenditure on capital account, pursuant to the statute in that behalf,) exceed the sum which would be produced or raised by the assessing and levying of a rate of three mills in the dollar upon all of the assessable real and personal property in the City of Toronto, as shewn by the last revised assessment roll, and the amount which the Board of Police Commissioners of the City of Toronto may require the council to provide for Police purposes in any year, shall not, (exclusive of any sum which may be raised by the issue of debentures for expenditure on capital account,) exceed the sum which would be raised by the assessing and levying a rate of two mills on the dollar upon all of the assessable real and personal property in the City of Toronto as shewn by the last revised assessment roll. 10 15 20

Assessment of property of Gas Company.

4. The personal property of the Consumer's Gas Company, of Toronto, shall hereafter be assessed against the company in the same manner as if the company were an unincorporated company or partnership, and all gas mains and pipes, lamp posts and fixtures therewith connected, and all other property of and belonging to the said company situate in the streets, public squares, and other places in the City of Toronto, and not included under the word real estate, as defined by *The Assessment Act* and amending Acts, is hereby declared to be personal property, and to be assessable under this enactment. 25 30

Settlement of claims for damages to land where amount claimed does not exceed \$1,000.

5.—(1.) In all cases where claims are made for compensation for damages by the owners or occupiers of, or other persons interested in lands entered upon, taken or used by the Corporation of the City of Toronto, or alleged to have been injuriously affected by the Corporation in the exercise of any of its powers in the event of the corporation not being able to agree with the claimant or claimants on the amount of compensation to be made, and the amount claimed does not exceed \$1,000, the same shall be settled and determined by the award of the Judge of the County Court of the County of York, (sitting as sole arbitrator), or at the option of either party, by such other sole arbitrator as the Master in Chambers on application made by either party, to him, upon notice to the other party, may, appoint for the purpose. 35 40 45

(2.) Either party shall be entitled to at least seven days notice, exclusive of the day of the service of the notice, of the wish of the other party to have an arbitration, and seven days notice, exclusive of the seven days above mentioned and of the day of the service of the notice, shall be given of any application to the Master in Chambers to appoint an arbitrator in lieu of the Judge of the County Court of the County of York. 50 55

(3.) The fees to be paid to the arbitrator shall be the same as those payable to referees under the provisions of *The Judicature Act*.

(4.) The several sections of *The Consolidated Municipal Act, 1883*, and Amending Acts relating to "arbitrators" and "procedure," shall so far as applicable apply to and govern all arbitrations had and awards made by a sole arbitrator, under the provisions of this Act.

6. The Council of the Corporation of the City of Toronto, in all cases where claims for compensation or damages are made against them, which, under the provisions of *The Consolidated Municipal Act, 1883*, or any other Act, are declared to be the subject of arbitration in the event of the parties not being able to agree, may tender or pay into court, as the case may be, such amount as they may consider proper compensation for the damage sustained or lands taken, and in the event of the non-acceptance by the claimant or claimants of the amount so tendered or paid into court, and the arbitration or action being proceeded with, and if an award, verdict, or judgment is obtained for a less amount than the amount so tendered or paid into court the costs of the action or arbitration and award shall be awarded to the corporation and set off against any verdict which shall have been obtained against them.

Costs in proceedings where a less amount is recovered than was tendered.

7. In any case when, under the provisions of *The Consolidated Municipal Act, 1883*, or any other Act, it may be necessary for the Corporation of the City of Toronto to appoint or join in the appointment of an arbitrator other than the Judge of the County Court of the County of York, or such arbitrator as the Master in Chambers may appoint under the provisions of this Act, the said corporation shall be allowed at least thirty days to appoint an arbitrator on their behalf, or make tender or pay into court, as the case may be, after notice to the council of the appointment of an arbitrator by and on behalf of the claimant or other person, demanding an arbitration.

Time allowed for appointment of arbitrator in cases not coming under s. 5.

8. The Court of Revision for the City of Toronto shall, in addition to the duties imposed upon it by the Assessment and Municipal Acts, if thereto authorized by by-law of the council to be passed in that behalf, investigate all claims for damages for alleged negligence or wrongful acts on the part of the corporation and all charges of misconduct or malfeasance made against any officer of the corporation or member of the council, and any other charge which is made the subject of investigation by the Judge of the County Court, under section 480 of *The Consolidated Municipal Act, 1883*, and for all the above purposes the chairman or any member of the court shall have the same power as to calling and compelling the attendance of witnesses, the production of documents, and administering an oath, which the Judge of the County Court would have if making the investigation.

Inquiries by Court of Revision as to claims for damages, etc.

9. The time allowed by *The Voters' List Act* and amending Acts for the preparation of the Voters' Lists for the Legislative Assembly of Ontario and for Municipal Elections for the City of Toronto, is hereby extended from forty days to sixty days from the final revision and correction of the assessment roll of the City of Toronto.

Time for preparation of voters' lists.

Consideration to be truly stated in deeds, and deeds before registry to be produced to the Assessment department.

10. In order to facilitate the assessment of real estate, and to enable the Assessment Department of the City of Toronto, to ascertain the changes of ownership made from time to time, and the changes in value of real estate throughout the city, thereby securing a more equitable assessment, all deeds of conveyance and leases or other transfers of real property in the City of Toronto, shall, hereafter, on the face thereof, express and show the true consideration paid or given for the same to the vendor or grantor, lessor or assignor, as the case may be, and before registering any deed, lease, assignment or other instrument of transfer, in the Registry Office or with the Master of Titles, as the case may be, the grantee or transferee shall produce the same at the office of the Assessment Department of the City of Toronto, and permit an entry or abstract thereof to be made by such officer as may be appointed for that duty, in a book or books, to be kept in the said Department for that purpose, but no charge shall be made by the Department or officer in connection therewith.

Local improvement notices given in one year may be acted on by council of succeeding year.

11. In any case when notice of a proposed improvement, work or service, to be paid for by special assessment as a local improvement, has been given by any council of the City of Toronto, pursuant to the provisions of chapter 174 of the Revised Statutes of Ontario, or of *The Consolidated Municipal Act, 1883*, or any amending Act or Acts, or any special or private Act relating to the City of Toronto, and no petition sufficiently signed has been presented to the said council or to the succeeding council against such proposed improvement, work or service, and assessment within the time limited in that behalf by the said Act, it shall be lawful for the said council, or for the council of any succeeding year, to carry on the proposed work, improvement or service to completion, before making the assessment therefor; and such notice, so given, shall stand good as authority for undertaking any such work, improvement or service and making such assessment or assessments and passing all necessary by-laws, whether the same shall have been or shall be undertaken and completed by the council giving such notice or by the council of any succeeding year; and all notices heretofore given by any council of the City of Toronto of any improvements, works or services, and assessments therefor, pursuant to section 4 of the Act passed in the 45th year of the reign of Her Majesty, chaptered 23, or of *The Consolidated Municipal Act, 1883*, and amending Acts, are hereby confirmed and declared valid and binding on all real property affected thereby, and all assessments made and all by-laws passed, or hereafter to be passed, to provide moneys for redeeming any temporary loan or paying off any debt contracted for any improvement, work or service, undertaken and completed pursuant to any such notice or notices, are hereby declared to be good, valid and binding assessments, and by-laws subject to compliance with the other provisions of *The Consolidated Municipal Act, 1883*, and amending Acts, relating to the making of special assessments and passing by-laws for local improvements.

Powers respecting—

12. The Council of the Corporation of the City of Toronto may pass by-laws :

1. For increasing the amount of the license fees to be paid Pawnbrokers.
by pawnbrokers, and requiring them to give securities for the
goods pledged with them for loans.
2. For licensing and regulating plumbers, and for securing, Plumbers.
5 improving and maintaining the sanitary state and condition of
the City by the construction and maintenance of a complete
system of drainage, and the adoption of all proper and suffi-
cient sanitary measures and improvements, in ventilation,
drainage and plumbing, and compelling the use thereof by the
10 owners, lessees and occupants of real property and providing for
the proper inspection, maintenance and repair thereof, after such
adoption by such owners, lessees and occupants, and for the ap-
pointment of inspectors of plumbing and examiners of applicants
for plumbers' licenses, and for the registration of the plans,
15 drawings, profiles and specifications, showing the plumbing and
drainage upon and in all premises and buildings, and providing
for the inspection of all plumbing work and material, and the
maintenance and repair thereof, and for securing the sanitary
condition of buildings, and for making better provision for
20 securing the inmates and employees in all factories, hotels,
boarding and lodging houses, warehouses, theatres, music halls,
opera houses and other public buildings and places of amuse-
ment against accident by fire, and providing for the adoption
and erection of proper fire escapes upon all such buildings
25 more than two stories in height.
3. For compelling the use of water supplied by the Toronto Water supply.
waterworks for drinking and domestic purposes within certain
areas, to be defined by by-law, and for prohibiting the use of
spring or well water within such areas for such purposes.
- 30 4. For providing for the levelling of snow upon, and Toronto
for the removal of snow and ice from, the streets occupied by street railway.
their tracks, by the Toronto Street Railway Company, and
for charging and assessing the company with a proportionate
part of the cost thereof.
- 35 5. For entering into an agreement with any person or Tramway on
body corporate for the construction and working of a steam, island.
electric, or other tramway or railway, upon the peninsula or
island in front of the City of Toronto, and for entering upon,
taking and using, any allowances for streets, roads or promen-
40 ades or allowances for fishing purposes, or any other land or
lands covered with water which may in any way be necessary
or required for the purposes of such railway, making due
compensation to the parties entitled thereto for any leasehold
lands which may be so taken, under the provisions of *The*
45 *Consolidated Municipal Act, 1883*, and amending Acts in that
behalf, in case the parties differ about the same.
6. For taking so much land as may be required for a new Cattle market.
cattle market, subject to the right of the owner or owners to
receive all due and proper compensation therefor, the same to
50 be settled by arbitration under the provisions of *The Consoli-*
dated Municipal Act, 1883, and amending Acts in that behalf,
in case the parties differ about the same.
7. For entering upon, taking and using, so much land and Roadway
land covered with water, as may be necessary for the opening adjoining the
55 up, making and constructing a public highway not more than Esplanade.

eighty feet in width, immediately to the south of and adjoining the Esplanade front of the said city, from Brock Street eastward to the eastern termination of the said Esplanade, and to continue the same street eastward to Beachall Street and the River Don, making due compensation therefor to the parties 5 entitled thereto, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts, in that behalf;

Licensing agents of foreign corporations, etc.

8. For licensing all persons and bodies corporate, or their travellers, agents and brokers representing them, resident or otherwise, of such persons or corporations whose chief place of 10 business, warehouse or factory is situate outside of the Dominion of Canada, and who do business in the City of Toronto by means of exhibiting samples, plates, cuts or patterns and taking orders for future delivery, having no branch factory or warehouse in Canada; 15

Reduction of sinking fund under 42 V. c. 31.

9. For authorizing the reduction of the annual sinking fund rate, or amount required to be collected under local improvement by-laws passed by the council prior to the Act passed by the Legislative Assembly of the Province of Ontario, in the 42nd year of the reign of Her Majesty, chaptered 31, 20 and for making allowance for the interest acerued from the investment of the amounts of sinking heretofore collected under such by-laws: provided always that in settling the sum to be raised annually for the remaining years which any such by-law has to run for the payment of the debt, in lieu of the 25 sinking fund rate, fixed by the original by-law, the rate of interest on future investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly: provided also that no by-law reducing the sinking fund rates, fixed by any such local improvement by-law, shall become 30 valid or effectual until the same shall have been assented to by the Lieutenant-Governor in Council.

Power to guarantee local improvement debentures.

13. In the matter of by-laws passed, or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder, and add to their 35 commercial value, it shall be lawful for the said City of Toronto to declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the city at large, any thing contained in sub-section (d) to section 343, of *The Consolidated Municipal Act, 1883*, to the contrary 40 notwithstanding.

Assessments in St. Mark's Ward.

14. In the matter of the recent annexation of the late Municipality of the Village of Brockton to the City of Toronto as St. Mark's Ward in the said city, and with regard to the by-laws passed by the council of said late Municipality of 45 Brockton, set out in the schedule to the Act passed in the 47th year of Her Majesty's reign, chapter 47, and with regard to any other by-laws passed by the said council, authorizing the issue of debentures for general school or local improvement purposes, or for incurring debts by way of temporary 50 loans in anticipation of the completion of works, and ascertaining the exact cost thereof in anticipation of the future local special assessments to be made upon the properties benefited by the improvements, and the passage of by-laws for the issue of debentures to retire such temporary loans, under 55 the provisions of *The Consolidated Municipal Act, 1883*, and

amending Acts in that behalf, in order to remove all doubts as to the validity of said by-laws and assessments, where made, and the value of any debentures issued under such by-laws, and in order to provide for the payment of the principal and interest 5 of the debts incurred by the said late Village of Brockton, for the construction of such local improvements to be paid for by special assessments where such assessments have not been made; it shall be lawful for the Council of the Corporation of the City of Toronto to pass by-laws providing for new and 10 proper special local assessments, where assessments have been heretofore made by the Council of the said late Village of Brockton, in lieu of the assessments and ratings heretofore made upon real property benefited by such local improvements, and for making proper special local assessments, where local 15 improvements have been made with money borrowed in anticipation of the special assessments thereafter to be made upon the real property benefited, and where such assessments have not yet been made; and for providing funds to meet the local improvement debts incurred by the said late Village of 20 Brockton, as well upon the credit of the Village at large, as upon the security of the local special assessments made or to be made, and for providing for the issue of debentures under the seal of the said city, and for assessing and levying all sufficient rates for providing the interest to be paid, 25 and the sinking fund to be invested in relation thereto: provided that after the making of such new assessments and ratings, and the passing of said by-laws any ratings heretofore made in that behalf, shall be held to be null and void, save and except as to any payments thereunder, which payments 30 shall be duly adjusted for the benefit of the parties concerned in bringing the new assessments and ratings into effect; and it shall be further lawful for the said City of Toronto to exchange the debentures so to be issued, for the purposes aforesaid, under the seal of the said city for any debentures of the late 35 Village of Brockton which may have been sold or are held by parties, either by absolute purchase or as security for cash advances made to the said late municipality.

15. All by-laws heretofore passed by the said Council of the Corporation of the City of Toronto, for borrowing money 40 on the general credit of the city to provide for the payment of the city's share of local improvements and works, for borrowing money by the issue of debentures secured by special assessment on the Toronto Street Railway Company, to provide for the payment of the cost of their share of local improvements 45 and works, and for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such improvements and works, are hereby declared valid and effectual.

16. Notwithstanding anything in *The Consolidated Municipal Act, 1883*, and amendments thereto, or any special or 50 private Act relating to the said City of Toronto and the debenture debt thereof, to the contrary it shall and may be lawful, subject as hereinafter provided, for the council of the Corporation of the City of Toronto to pass all such by-laws as 55 may from time to time be necessary to raise loans, and for borrowing money by the issue and sale of debentures of the City of Toronto; such debentures to be made payable within

Confirmation
of by-laws and
debentures.

Authority to
borrow
\$3,000,000 for
drainage
purposes.

fifty years, or such less time as the council may determine, to an amount not exceeding the sum of \$1,500,000, for the purpose of carrying out a complete system of drainage, constructing main trunk and off-take sewers, completing the drainage system, and constructing the necessary works connected therewith and required therefor, and for improving the sanitary condition of the City of Toronto: provided that before passing any such by-law or undertaking such work, a system of drainage, together with an estimate of the cost thereof, shall be submitted to and approved by the council, and provided also that the question of undertaking the construction of such system of drainage and the necessary works connected therewith at the estimated costs thereof, shall be submitted to and approved of by the vote of the majority of the electors voting thereon, entitled to vote on money by-laws under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts, but thereafter it shall not be necessary to submit the by-laws providing for the issue of the debentures and for borrowing money from time to time to carry on and complete the said improvement and works to the vote of the electors.

(2) Debentures issued under the provisions of this enactment, and moneys borrowed thereunder, shall not be reckoned as part of the general city debt, and the provisions of the Act, passed in the 42nd year of Her Majestys reign, and chaptered 75, whereby the general debenture debt of the city is limited, shall not apply to any debt created under this enactment;

(3) All moneys borrowed under the provisions of this enactment shall be kept apart and as a separate fund, to be known as the Drainage Fund, and shall be applied to no other purpose than the purposes herein mentioned.

(4) The debentures to be issued in pursuance of this enactment shall be known and designated as "City of Toronto Public Drainage Debentures," and shall be so designated on the face thereof.

Authority to borrow \$250,000 for improving the Esplanade front, opening up and making a new highway to the south thereof.

17.—(1) Notwithstanding anything in *The Consolidated Municipal Act 1883*, and amending Acts, or any special or private Acts, relating to the City of Toronto and the debenture debt thereof, to the contrary, it shall, and may be lawful for the Council of the City of Toronto, to pass all such by-laws as may from time to time be necessary to raise loans by the issue and sale of debentures, and for borrowing money: such debentures to be made payable within fifty years from the date thereof, or such less time as the Council may determine, to an amount not exceeding \$300,000, for the purpose of acquiring the lands, and lands covered by water, necessary for opening up a highway, and for the purpose of filling in the same, and constructing a highway south of the Esplanade front, and from Brock Street to Beachall Street, in the City of Toronto. Provided, that before passing any such By-law, taking any such land, or undertaking any such work, proper surveys and plans of survey of the lands required to be taken, shall be made; plans, drawings, profiles and specifications of the works to be done shall be prepared, and proper estimates of the the total cost of the improvement shall be obtained, and shall be submitted to and approved of by the Council; and provided, also,

that the question of the undertaking the proposed improvement and works at the estimated cost, shall be submitted to and approved of by the vote of the majority of the electors, qualified to vote on money by-laws, voting thereon, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts; but thereafter it shall not be necessary to submit the by-laws providing for the issue of the debentures, and for borrowing money, from time to time, to carry on and complete the said improvement and works, to the vote of the electors.

(2) The debentures to be issued under the provisions of this enactment and the moneys borrowed thereunder, shall not be reckoned as part of the general city debt, and the provisions of the Act passed in the 42nd year of Her Majesty's reign, chaptered 75, whereby the general debenture debt of the city is limited, shall not apply to any debt created under this enactment.

(3) All moneys borrowed under the provisions of this enactment shall be kept apart and as a separate fund, to be known as the Esplanade Improvement Fund, and shall be applied to no other purposes than the purposes herein mentioned.

(4) The debentures to be issued in pursuance of this enactment shall be known and designated as "City of Toronto Esplanade Improvement Debentures," and shall be so designated on the face thereof.

18. It shall, and may be lawful, for the said Council to assess and levy upon the real property lying to the south of the Esplanade from Brock Street to Berkeley Street, and on both sides of the proposed new street from Berkeley Street to Beachall Street, such part of the cost of the said improvement, including cost of lands taken, and construction of the street as may be considered proper and equitable, as for a local improvement payable by local, special assessments upon the real property immediately benefited; provided always, that the part or proportion of such cost of the said improvement to be charged against the real property immediately benefited and met by such special assessments, and the proportions in which the same shall be charged upon the lands immediately benefited, shall be ascertained, and the said special assessment shall be made, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf, and shall be subject to appeal to the Judge of the County Court from the Court of Revision, in like manner as other local improvement assessments are appealable.

Power to make special assessments on property specially benefited.

19. The Toronto Horticultural Society is hereby authorized and empowered to borrow money by the issue and sale of bonds or debentures, or on mortgage, in such sums and to such amounts as they may from time to time require for the purpose of enlarging their present pavilion and conservatories, or for the purpose of erecting a new pavilion and conservatories, for procuring an organ and for such other purposes as they may require, and to mortgage, hypothecate and pledge, all of their property, both real and personal, as a security for any moneys so borrowed, or debt so incurred; subject to the approval and consent of the Honourable George William Allan, his heirs and executors, and subject also to the approval and

Horticultural society may borrow money for improvements.
Consent of Hon. G. W. Allan and of city required.

consent of the Corporation of the City of Toronto, which consent and approval the Council of the City of Toronto, is hereby authorized to give by by-law to be passed for the purpose.

Board of Commissioners of Police shall pass by-laws.

20. The Board of Commissioners of Police, of the City of Toronto, shall pass by-laws from time to time :

1. For licensing and regulating "second-hand" stores, and "junk" stores, or shops, retail cigar and tobacco stores, or shops, and the owners and keepers thereof ;

2. For licensing and regulating hackmen, carters, porters, and the owners of livery stables, and the owners and drivers of all horses and vehicles, and all vehicles kept for hire for the carriage of passengers or property, goods, wares and merchandize, and for fixing the rates of compensation to be taken by them, and for providing for enforcing payment of such rates ;

3. For licensing and regulating suitable persons to keep intelligence offices, for registering the names and residences of, and giving information to or procuring servants, labourers, workmen, clerks or other employees, for employers in want of the same, or any of them, and for registering the names and residences of, and giving information to or procuring employment for domestic servants and other labourers, and any other class of servant, workmen, clerk or person, seeking employment, and for fixing the fees to be recovered by the keepers of such offices ;

4. For limiting the duration of or revoking any such license, prohibiting the opening or keeping of any such intelligence office within the city limits without license ;

5. For licensing and regulating theatres, music halls, opera houses, and other public places of amusement, and the owners, lessees, managers and keepers thereof, and for licensing and regulating the exhibition of shows of every kind, and of theatrical representations ;

6. For licensing and regulating bill posters ;

7. For licensing and regulating milk vendors, and punishing fraudulent vendors ;

8. For prescribing the terms and conditions on which licenses shall be granted, the license fee to be paid therefor, and prohibiting all unlicensed persons from acting in any capacity requiring a license under the provisions of any by-law passed by them.

II.

THE TORONTO GRAVEL ROAD AND CONCRETE COMPANY,
(LIMITED.)

21. In maintaining their part of the Kingston Road, (part Repairs of Kingston Road by Toronto Gravel Road Co. whereof is now called Queen Street) from the River Don, easterly to the bend, northerly, from the allowance for road in front of the broken front, first concession in the Township of York, the Toronto Gravel Road and Concrete Company (Limited) shall, upon and over the eighteen inches to the north of the north rails, and from thence to the south ditch of the said street, being that part of said highway which, under their agreement with the County of York, the said company is bound to maintain, be bound to use for such maintenance and repairs, the same materials and mode of construction as that from time to time in use by the Corporation of the City of Toronto for the remainder of the street, unless, and while compliance with this condition is in the opinion of the City Engineer, for the time being of the City of Toronto, impracticable by reason of the remainder of the street not being so constructed, or in such state as will enable the said company to comply therewith, and when the material laid down upon such remainder of the street is macadam or gravel, it shall be optional with the company to use stone paving.

22. The said Toronto Gravel Road and Concrete Company Materials to be used in construction of permanent pavement. (Limited) shall be bound to construct, renew, maintain, and keep in good order and repair, the roadway between their rails, and for one foot and six inches to the north thereof, and from the south rail to the ditch, on the south side of said Kingston Road, from the Don River easterly to the bend aforesaid, using for that purpose the same material and mode of construction as that which may, from time to time, be adopted and used for the remaining portion of the street by the Corporation of the City of Toronto: provided that when the Corporation of the City of Toronto adopts and uses upon any portion of the said street, traversed by the said railway, or tramway, a permanent pavement of wood, stone, asphalt, or other material of like permanent character, the said company shall not, in such case, be bound to construct the same, or to pay more than the cost price of such pavement over that portion of the roadway which they are bound to maintain, as aforesaid, and as against the said company such price shall not exceed, in any case, the sum of \$2.50, per square yard: provided also that it shall and may be lawful for the said company, with the consent of the said corporation, to use cobble stone, boulder stone, or stone blocks, between the tracks, or upon and over all that portion of the roadway which they are bound to maintain; the same to be laid and constructed to the satisfaction of the City Engineer. Cost to company limited.

23. Subject to the provisions hereinbefore contained, should the said company neglect to keep their tracks, or the roadway and crossings, upon and over that part of said roadway which they are bound to maintain, in good condition, or to have the necessary repairs made thereon, the City Engineer or other proper officer shall give written notice at the head office of the Repair by city in case of default.

company, requiring said repairs to be made forthwith, and unless such repairs are commenced within five days, and carried on with all reasonable despatch to the satisfaction of the City Engineer, the said engineer may cause such repairs to be made at the expense of the city, and the amount so expended shall be recoverable against the said company in any court of competent jurisdiction. 5

Company may elect to make roadway or allow city to make same.

24. In case the Corporation of the City of Toronto shall determine to construct or renew the paving or macadam on the said street, or any part thereof traversed by the said company, the said company shall be bound within one month after the receipt of notice in writing requiring them so to do, (in which notice shall be specified the nature of the material, or kind of pavement intended to be used, the portion of the street upon, and in which it is to be used, and the time when the work is to be commenced) to construct or renew, subject to the provisions of this Act, the paving or macadam on their part of the said roadway, namely, from eighteen inches north of their north rails, and upon and over the street to the southerly ditch thereof, using the same material and mode of construction as that used for the remaining portion of the street, by the Corporation of the city of Toronto, and to carry on the work of construction or renewal with all reasonable despatch, to the satisfaction of the City Engineer of the said City of Toronto, and in the event of the said company failing so to do, the said engineer may cause such work to be done at the expense of the said city, and of the amount so expended, an amount not exceeding the sum of \$2.50 cents per square yard shall be recoverable by the city against the said company, in any court of competent jurisdiction, or by assessment, as hereinafter provided, and the work of construction or renewal shall be proceeded with simultaneously over the roadway of the said company, and the remainder of the street, whether the said company shall conform to the notice aforesaid, or the said corporation shall perform the work, under the power conferred on it in this section. 10 15 20 25 30 35

Damages where city does not proceed after notice.

25. If the corporation give the notice mentioned in the next preceding section, and do not themselves proceed, according to the terms thereof, within the time thereby limited, they shall be liable to pay to the said company such damages as may have been thereby occasioned to the Company. 40

Compensation on change of permanent roadway before same worn out.

26. Whenever the corporation of the said city shall change the kind of paving, not being macadam, cobble stone, or boulder stone, hereafter to be constructed on the said street, or any part thereof, by the said company, before such paving is worn out, whereby the same is dispensed with, the corporation shall be bound to make good to the said company, the value of the paving so dispensed with, for the purposes of the company, the amount thereof to be ascertained, in case of dispute, by arbitration, under the provisions of *The Municipal Act* then in force: provided that this section shall not apply to paving, which the said company shall not have hereafter constructed or paid for: and provided also that the determination of the City Engineer, evidenced by his certificate in writing, shall be conclusive evidence that the paving is worn out or not, according to the terms of such certificate. 45 50 55

27. In every case of construction or renewal of any kind of permanent pavement upon any portion of the said street, which the said company are, under their said agreement, bound to maintain, the said company shall have the option of constructing their portion of any such pavement, or at their request the said Corporation of the City of Toronto shall construct the same, and in every such case the said corporation shall assess an annual rate—covering interest and sinking fund, extending over the like period as that upon which the assessment upon the adjacent ratepayers is adjusted, upon the company for the cost thereof, not exceeding the said sum of \$2.50 per square yard, with full power to the said corporation to raise such sum by the issue of debentures, and to collect the same in the manner provided under *The Consolidated Municipal Act, 1883*, and amending Acts for the construction of local improvements and any private Acts relating to the City of Toronto.

Option of company as to construction.

Assessment by city.

PART III.

Don River Improvement.

28. In view of the necessity which exists for improving the Don River, and securing the sanitary condition of that part of the City of Toronto contiguous to the said river, it is hereby enacted that the Council of the City of Toronto shall have power and authority; and they are hereby authorized and empowered:—

Powers as to entering or acquiring lands and making contracts.

1. To at any time enter with their engineers, surveyors servants or agents, upon the land of any person or corporation lying between the waters of Toronto Bay, or Lake Ontario, and the line of Bloor Street, produced easterly across the River Don, and within a range or distance of 1,000 feet on either side of the said river, as at present located, for the purpose of making all necessary surveys, and taking all necessary levels, and doing all other things necessary and proper to enable them to determine upon the most feasible plan of improving the River Don and the lands in the valley on either side thereof, adjacent thereto, and securing the sanitary condition of the neighbourhood.

2. To enter upon, take, use and acquire all land, and land covered by water lying between the waters of Toronto Bay, or Lake Ontario, and the said line of Bloor Street, produced easterly across the said River Don, and within a range or distance of 400 feet on either side of the centre line of the said river, as laid out on a map or plan prepared, or to be prepared, and adopted by the said Council, for the purpose of straightening, widening, deepening and improving the said river, reclaiming the flat lands on either side thereof, and filling in and otherwise improving the same, and fitting the said lands for such uses and purposes as they may see fit.

3. To enter upon, take, and appropriate for the use of the said city, any lands of the Crown lying between the said last mentioned boundaries that have not been already granted or sold, and also so much of the public beach, or of

the land covered with the waters of the bay or lake, within a range of 500 feet on either side of the centre of the said river, as shown on the said plan.

4. To enter into any contract or contracts with any person or persons, or body corporate, who may be willing to undertake the same for the purpose of straightening the course of the said River Don between the line of Bloor Street, produced easterly, as aforesaid, and the Bay, or Lake Ontario (but such course need not necessarily be in a straight line), for widening said river to a width of not more than 120 feet, to deepen the same to such depth as the said Council may see fit, to fill in, improve, and raise the land on either side thereof, within the limits aforesaid, to such height as the said Council may see fit, and generally to carry out and complete all such works connected with the improvement of the said river, and the securing of the sanitary condition of the neighbourhood, as the said Council may be advised to be proper and necessary for the uses and purposes contemplated by this Act.

5. To contract with the owners and occupiers of the lands which the said Council is hereby authorized to take, within the limits aforesaid, and those having an interest in or right to use the said river within the limits above mentioned, for the purchase of the said lands, or of any part thereof, or of any privilege that may be required for the purposes of the said corporation in connection with the works and improvements contemplated by this Act.

6. In case of any disagreement between the Council and the owners or occupiers of, or other persons interested in any lands entered upon, taken or used by the said corporation in the exercise of any of the powers conferred by this Act, or injuriously affected by the exercise of said powers, as to the amount of purchase money of the said lands, or of any part thereof, or as to the amount of compensation to be made to any such person, every such dispute and claim shall be settled and determined by arbitration, under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto, if any, on that behalf.

7. To lay out the said lands, after the completion of each section of the said improvement and works as hereinafter provided, on either side of the said river, according to such plan or plans of survey, as they may see fit, reserving next the margin of the said river, and the waters thereof, within the limits aforesaid, a strip of land not less than twenty-five feet in width for the purposes of railway tracks, switches and sidings, to be used and occupied as hereinafter mentioned, and reserving also on either side of the said river, within the limits aforesaid, and immediately adjoining the said reservation for railway purposes, a strip of land along the whole length thereof, within the limits aforesaid, not less than fifty feet in width for the purpose of a public highway or street.

Assessment of
improvements.

29. Upon the certificate of the City Engineer or other officer having charge of said work or improvements, that sections two, three, four and five thereof, as hereinafter defined, have been duly completed and laid out according to a plan as above provided, the said council shall cause the total cost of the lands, im-

improvements and works, including amounts paid for compensation and otherwise in connection with the said three sections and interest paid on temporary loans, if any, to be ascertained; and shall ascertain and determine the proportion, part or
 5 share of the said total cost, including interest as aforesaid, chargeable in respect of each and every lot or parcel of land as the same shall appear upon the plan of survey so to be made as aforesaid, after the completion of the said sections three, four, and five, of which completion the certificate of the said Engineer
 10 or other officer in charge of the said work shall be sufficient evidence. In ascertaining and determining the amount chargeable in respect of and against each lot as aforesaid, the said Council shall proceed, as in the case of assessing for local improvements, under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto; and when the said
 15 assessments shall have been made and finally confirmed, the City Clerk shall cause a copy thereof to be filed in the Registry office for the City of Toronto, and give notice of such filing once in each week for four weeks in at least two of the
 20 daily newspapers published in the city of Toronto.

30. Any person or corporation who may have owned any such lot or lots of land prior to its expropriation by the said Council under the provisions of this Act, or the heirs or assigns or successors of any such previous owner shall, where any
 25 such lot adjoins other property belonging to him or them, and lies between such other property and the channel of the said river improvements, at any time within one year after the publication of the notice of filing a copy of the said assessment in the registry office for the City of Toronto, as above provided,
 30 be entitled, upon payment to the said corporation of the amount charged against any such lot or lots, together with interest thereon from the date of the assessment, to have a conveyance of the lot or lots executed by the said Corporation (upon tendering the same for execution), and the said lot or
 35 lots shall be so conveyed free and clear of all charges and encumbrances, and of the lien created by this Act.

Conveyances to owners of lots expropriated.

31. If for any reason, such as the existence of valuable buildings and improvements upon any lands falling within the four hundred feet limit on either side of the centre line of the
 40 Don River channel so to be straightened and improved as aforesaid, it shall not be deemed desirable to take any portion of the said lands beyond the quantity necessary for the formation of the new river bed or channel, and the said allowance for railway and highway purposes; the said Council, instead of
 45 taking the whole of the said lands, may take only so much as may be necessary for the purposes last above mentioned, and such other lands as may be cut off from the lots to which they now belong by the improvements so to be made, and may under the provisions of *The Consolidated Municipal Act, 1883*,
 50 and amending Acts in that behalf, assess and charge the cost of the lands so cut off, and a proportionate part of the cost of the improvement upon the adjoining lands benefited, but not taken for the reasons aforesaid, as for a local improvement, and shall thereupon convey the lands so cut off to the owner or owners of
 55 the lands to which the same shall be adjacent, and which shall have been so assessed as aforesaid.

Power to take a lesser quantity of land than above provided.

Publication of
estimates, etc.

32. The Council of the Corporation of the City of Toronto shall, before commencing the straightening and improvement of the Don River and Marsh lands under the provisions of this Act, cause to be prepared, proper plans of survey to be made and proper plans, profiles, drawings and specifications of the work to be done and improvements made, and procure estimates of the probable cost of the lands to be taken and improvements to be made, shewing the probable amount which will be charged against, assessed and levied upon the lands benefited as for a local improvement, and the amount or proportion of the cost of such improvements which will be assumed and paid for by the City at large, and shall cause the same to be duly published for the information of the ratepayers, and they shall also submit the question of undertaking the said work at the estimated cost to a vote of the electors qualified to vote on money by-laws under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf.

Commence-
ment of works.

33. In the event of a majority of the said electors voting in favour of and approving the said scheme, the said improvement and works shall be proceeded with without delay, and no by-law for raising any loan by the issue of debentures for any of the purposes aforesaid, shall require to be submitted to a vote of the electors for approval before the final passing thereof, anything in the said *Consolidated Municipal Act, 1883*, and amendments thereto, or any special or private Act or Acts to the contrary, notwithstanding.

Expenditure
not to be con-
sidered as
part of the
city debt.

34. No debt, incurred under the provisions of this Act, except so much as may be incurred to meet that part of the cost of the said improvements and works to be charged to and paid for by the City at large as the City's share thereof, shall be reckoned as the debt of the City proper, and as coming within the limitation of the City debt as fixed by the said Act passed in the 42nd year of Her Majesty's reign and chaptered 75.

Agreements
with Railway
Companies.

35. It shall and may be lawful for the said Council to make agreements with any railway company or companies whereby any such railway company or companies may acquire the use of the reservation for railway purposes above provided for, upon such conditions as may be agreed upon between the said Council and any such company or companies provided always that no one railway company shall acquire any exclusive right of property in or control over the same or any part thereof, and all railways shall be entitled to the use thereof upon equal terms, and upon paying their just share and proportion of any expenditure which shall have been made or which may at any time require to be made for construction, maintenance and repairs of tracks, switches, and other necessary works required for the proper use thereof, and the fee of the said land shall always remain in the Corporation of the City of Toronto.

Work may be
done in sec-
tions.

36. The said contracts may be let, and the said works may be carried on and completed in sections as follows :

1. The first section shall extend from the line of Bloor Street, produced easterly across the said river, as aforesaid, southerly to the line of Winchester Street, produced easterly across said river ;

2. The second section shall extend from the said line of Winchester Street produced, southerly to the line of Carleton Street produced, easterly across said river :

3. The third section shall extend from the said produced line of Carleton Street southerly, to the produced line of King Street across the said river ; 5

4. The fourth section shall extend from the said produced line of King Street southerly, to the line of Eastern Avenue, produced easterly across the said river ;

5. The fifth section shall extend from the said produced line of Eastern Avenue southerly, to the northern boundary line of the marsh lands heretofore patented to and belonging to the City of Toronto ;

6. The sixth section shall extend southerly, or otherwise, to the waters of the Bay, or Lake Ontario, and to such point as may be determined by the said Council. 15

Manner in which works may be carried on by Council.

37. The said Council may commence the said works and carry on the same from time to time at such point or points, and upon such section or sections, as may to them seem best and most advantageous: provided always that the above sections, numbered two to six, both inclusive, shall be proceeded with and carried to completion with as little delay as possible. 20

Erection of bridges.

38. The said Council shall have full power and authority to erect and build over and across the said river at such points and places, and in such manner as they may deem best, all such bridges, with proper approaches thereto, as they may consider necessary, and may change the location of any existing bridge. 25

Leasing of certain lots by Council.

39. The said Council shall also have full power and authority to lease or sell any lot or lots of the said lands, as the same may be laid out upon the plan of survey, so to be made as aforesaid, which shall remain the property of the City of Toronto, after the time shall have expired within which previous owners or their representatives may be entitled to a conveyance, as herein provided ; and said lots may be so leased or sold upon such terms as to the said Council may seem best: provided always that no such lot shall be sold for a less sum than the amount appearing chargeable against it by the assessment so to be made and filed as aforesaid, nor shall any lot be leased for a longer period or term than forty-two years. Lots sold as above provided, shall be sold and conveyed, freed and discharged of the lien created by this Act, but the purchase money thereof shall be paid into, and form part of the sinking fund hereinafter mentioned. 30
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Borrowing powers.

40. In view of the present unsanitary condition of that part of the said river and neighbourhood hereinafter mentioned, and of the necessity of commencing said works without delay, it shall and may be lawful for the said Council, notwithstanding anything in *The Consolidated Municipal Act, 1883*, or any special or private Act relating to the City of Toronto contained, and subject as herein before provided, to pass such By-laws as may from time to time be necessary to raise a loan or loans for such amount or amounts, not exceeding in all \$300,000, as may 45
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be necessary for the purposes of improving that part of the said River Don lying below and south of the line of Winchester Street, produced easterly across the said river, and the construction and completion of the works connected therewith, including the purchase money for lands taken and compensation for damages as above provided, and to issue any number of debentures payable in this Province, or elsewhere, in sums of not less than \$100, which may be requisite and necessary therefor.

10 **41.** The debentures to be issued for the purposes aforesaid shall be payable in fifty years from the respective dates thereof, or such shorter period as the Council may determine with interest thereon, in the meantime, at a rate not exceeding six per centum per annum, payable half-yearly; and for the purpose of
 15 redeeming the said debentures and paying the interest thereon, it shall and may be lawful for the said Council in any By-law or By-laws to be passed for authorizing any such loan or loans, or any part thereof, and the issuing of debentures therefor, to impose a special rate per annum upon all ratable real and per-
 20 sonal property in the municipality, to be called "The Don River and Marsh Lands Improvement Rate," over and above and in addition to all other rates to be levied in each year, which shall, together with such annual sum as the said Council may receive from the rentals of the said lands so to be improved
 25 and leased as aforesaid, or any of them, or income or revenue derived from the said improvements and works, or any of them, under any leases or agreements in that behalf with any persons or corporations who may use or occupy the same, or any part thereof, and from any special assessments which shall
 30 be made upon lands benefited, but not taken, as hereinbefore provided, be sufficient to form a sinking fund to retire said debentures when the same mature over and above the interest payable on such debentures, which sinking fund shall be invested in each year either in the debentures provided for by
 35 this Act, or in other debentures of the municipality or Government debentures.

Form of debentures.

42. The said Council may, in their option, in lieu of issuing debentures under this Act, issue debentures to an amount not exceeding the said sum of \$300,000, for the purposes aforesaid,
 40 under the provisions of the Act passed by the Legislature of the Province of Ontario, in the 42nd year of the reign of Her Majesty, chaptered 75, entitled, *An Act respecting the Debenture Debt and certain property of the City of Toronto.*

Powers to issue debentures under 42 V. cap. 75.

43. The works and improvements to be constructed under
 45 the provisions of this Act, and all lands to be acquired for the purposes thereof, or in connection therewith, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the
 50 said Corporation for the purposes of this Act, as well as for the due and punctual payment of the interest thereupon, unless and until the same are freed and discharged under the provisions of section 8 of this Act; and all rents, issues and profits, or other income in any manner derived therefrom, or
 55 from any part thereof, shall be paid into a special fund, and be applied in and towards the payment of the interest accruing,

Improvements to be a charge on the land.

due from time to time upon any loan or loans which may have been obtained under the provisions of this Act, and all amounts which may be paid in or received at any time and from time to time, other than income or rents, shall be placed to the credit of, and form part of, the sinking fund created by this Act, and shall be invested by the said Corporation either in the purchase of the debentures issued under authority of this Act, or of other debentures of the City of Toronto, or of Government debentures. 5

No. 41.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting the City of Toronto.

First Reading, , 1886.

(Private Bill.)

Mr. MORRIS.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the City of Toronto.

WHEREAS, the Corporation of the City of Toronto have, Preamble.
by their petition, prayed for special legislation relating
to the several matters and things hereinafter set forth, and
whereas it is expedient to grant the prayer of the said petition :

5 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

Esplanade Improvement.

1. The Council of the Corporation of the City of Toronto
10 may subject to the approval of the Lieutenant Governor of Establishment
of new water
lot front line.
Ontario in Council, and of the Governor General of Canada in
Council, pass a by-law, or by-laws, to establish a new water
lot front line on the harbour front of Toronto Bay in lieu of
the present front line, known as the Windmill Line, and to
15 extend the said water lot front line southerly into the Bay,
into deeper water, and to take the lands and lands covered by
water to the north of such new line, provided always that in
the event of the passage of any such by-law, or by-laws the
lands covered by water and any other lands, tenement premises
20 or hereditaments, so taken shall be added to and form part of
the water lot property, in rear thereof, and may be granted to
the said, the Corporation of the City of Toronto upon trust to
convey so much of the said lands and lands covered with water
as lies in front of the water lots, not the property of the said
25 City, to the respective owners of such water lots uncondition-
ally, and to lease such portions thereof as lie in front of the
water lots now owned by the said Corporation, and leased by
them to the present lessees of such water lots respectively
at a nominal rental for the unexpired term of the
30 lease of the said water lot or lands in rear to which the
addition is made, and after the expiration of such term shall be
subject to right of renewal upon the same terms and conditions
as the lease of such water lot or other land to which the
additions are made.

35 2.—(1) The Council of the Corporation of the City of
Toronto may pass a by-law or by-laws :—For entering upon, Roadway
adjoining the
Esplanade.
taking and using, so much land and land covered with
water, as may be necessary for the opening up, making and
constructing a public highway not more than eighty
40 feet in width, immediately to the south of and adjoining the
Esplanade front of the said city, from Brock Street eastward
to the eastern termination of the said Esplanade, and to con-
tinue the same street eastward to Beachall Street and the

River Don, making due compensation therefor to the parties entitled thereto, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts, in that behalf ;

Provided, that from Berkley Street, east, the alignment of the street or any crossings of it over the Grand Trunk Railway Company's property, shall be subject to an agreement with that Company, or failing such agreement, shall be settled by Walter Shanly, Esquire, C. E., or by an Engineer to be agreed upon by the said Corporation, and the said Company in the event of his death or refusal to act ; and provided also, that the width of the street shall not exceed sixty feet unless a portion or the whole of the said street shall be situated on property other than that of the Grand Trunk Railway Company, in which event the said street may be made of a width of eighty feet ; and, provided further, that the said street shall in any event be laid out as the said Engineer may determine, so as not to destroy the use of the said Company's property for railway purposes, the said Engineer having the power to make the said street eighty feet in width throughout, if he shall think proper so to do.

(2). The said City of Toronto shall not grant or dedicate any part or portions of the said street for railway purposes until the Railway Companies interested in the Esplanade or desiring to use the said street, have entered into an agreement or otherwise arranged as in the manner hereinafter set forth and provided.

Authority to borrow \$300,000 for improving the Esplanade front, opening up and making a new highway to the south thereof.

3.—(1) Notwithstanding anything in *The Consolidated Municipal Act 1883*, and amending Acts, or any special or private Acts, relating to the City of Toronto and the debenture debt thereof, to the contrary, it shall, and may be lawful for the Council of the City of Toronto, to pass all such by-laws as may from time to time be necessary to raise loans by the issue and sale of debentures, and for borrowing money : such debentures to be made payable within forty years from the date thereof, or such less time as the Council may determine, to an amount not exceeding \$300,000, for the purpose of acquiring the lands, and lands covered by water, necessary for opening up a highway, and for the purpose of filling in the same, and constructing a highway south of the Esplanade front, and from Brook Street to Beachall Street, and the Don River in the City of Toronto : provided, that before passing any such by-law, taking any such land, or undertaking any such work, proper surveys and plans of survey of the lands required to be taken, shall be made ; plans, drawings, profiles and specifications of the works to be done shall be prepared, and proper estimates of the total cost of the improvement shall be obtained, and shall be submitted to and approved of by the Council ; and provided, also, that the question of the undertaking the proposed improvement and works at the estimated cost, shall be submitted to and approved of by the vote of the majority of the electors qualified to vote on money by-laws, voting thereon, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts, but thereafter it shall not be necessary to submit the by-laws providing for the issue of the debentures and for borrowing money from time to time, the sum of money authorized by the ratepayers, to carry on and complete the said improvement and works to the vote of the electors.

(2) The debentures to be issued under the provisions of this enactment, and moneys borrowed thereunder, shall not be reckoned as part of the general city debt, and the provisions of the Act, passed in the 42nd year of Her Majesty's reign, and chaptered 75, whereby the general debenture debt of the city is limited, shall not apply to any debt created under this enactment;

(3) All moneys borrowed under the provisions of this enactment shall be kept apart and as a separate fund, to be known as the Esplanade Improvement Fund, and shall be applied to no other purpose than the purposes herein mentioned.

(4) The debentures to be issued in pursuance of this enactment shall be known and designated as "City of Toronto Esplanade Improvement Debentures," and shall be so designated on the face thereof.

4. Nothing in the preceding sections of this Act contained shall impair, affect or take away the rights, powers and privileges of the Grand Trunk Railway Company of Canada, or of the property holders as they now exist, with regard to making sidings or siding accommodation connecting said Company's railway with the wharves, warehouses, yards or other establishments of property owners south of said new street, or with said Company's own property south of the said street; and no railway company shall have the right to lay down a track or tracks along said street or any part of it unless and until an agreement with the other railway companies interested in the present Esplanade, shall have been entered into between the said companies respecting the same, or in the event of difference arising, such difference shall have been decided by an arbitrator to be appointed by the said parties mutually between them, or failing such arbitration until authorized to do so by an Act of the Legislature of the Province of Ontario.

Don River Improvement.

5. In view of the necessity which exists for improving the Don River, and securing the sanitary condition of that part of the City of Toronto contiguous to the said river, it is hereby enacted that the Council of the City of Toronto shall have power and authority; and they are hereby authorized and empowered:—

Powers as to entering or acquiring lands and making contracts.

1. To at any time enter with their engineers, surveyors servants or agents, upon the land of any person or corporation lying between the waters of Toronto Bay, or Lake Ontario, and the line of Bloor Street, produced easterly across the River Don, and within a range or distance of 1,000 feet on either side of the said river, as at present located, for the purpose of making all necessary surveys, and taking all necessary levels, and doing all other things necessary and proper to enable them to determine upon the most feasible plan of improving the River Don and the lands in the valley on either side thereof, adjacent thereto, and securing the sanitary condition of the neighbourhood;

2. To enter upon, take, use and acquire all land, and land covered by water lying between the waters of Toronto Bay,

or Lake Ontario, and the said line of Bloor Street, produced easterly across the said River Don, and within a range or distance of 400 feet on either side of the centre line of the said river, as laid out on a map or plan prepared, or to be prepared, and adopted by the said Council, for the purpose of straightening, widening, deepening and improving the said river, reclaiming the flat lands on either side thereof, and filling in and otherwise improving the same, and fitting the said lands for such uses and purposes as they may see fit;

3. To enter upon, take, and appropriate for the use of the said city, any lands of the Crown lying between the said last mentioned boundaries that have not been already granted or sold, and also so much of the public beach, or of the land covered with the waters of the bay or lake, within a range of 500 feet on either side of the centre of the said river, as shown on the said plan;

4. To enter into any contract or contracts with any person or persons, or body corporate, who may be willing to undertake the same for the purpose of straightening the course of the said River Don between the line of Bloor Street, produced easterly, as aforesaid, and the Bay, or Lake Ontario (but such course need not necessarily be in a straight line), for widening said river to a width of not more than 120 feet, to deepen the same to such depth as the said Council may see fit, to fill in, improve, and raise the land on either side thereof, within the limits aforesaid, to such height as the said Council may see fit, and generally to carry out and complete all such works connected with the improvement of the said river, and the securing of the sanitary condition of the neighbourhood, as the said Council may be advised to be proper and necessary for the uses and purposes contemplated by this Act;

5. To contract with the owners and occupiers of the lands which the said Council is hereby authorized to take, within the limits aforesaid, and those having an interest in or right to use the said river within the limits above mentioned, for the purchase of the said lands, or of any part thereof, or of any privilege that may be required for the purposes of the said corporation in connection with the works and improvements contemplated by this Act;

6. In case of any disagreement between the Council and the owners or occupiers of, or other persons interested in any lands entered upon, taken or used by the said corporation in the exercise of any of the powers conferred by this Act, or injuriously affected by the exercise of said powers, as to the amount of purchase money of the said lands, or of any part thereof, or as to the amount of compensation to be made to any such person, every such dispute and claim shall be settled and determined by arbitration, under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto, if any, on that behalf.

7. To lay out the said lands, after the completion of each section of the said improvement and works as hereinafter provided, on either side of the said river, according to such plan or plans of survey, as they may see fit, reserving next the margin of the said river, and the waters thereof, within the limits

aforesaid, a strip of land not less than twenty-five feet in width for the purposes of railway tracks, switches and sidings, to be used and occupied as hereinafter mentioned, and reserving also on either side of the said river, within the limits
5 aforesaid, and immediately adjoining the said reservation for railway purposes, a strip of land along the whole length thereof, within the limits aforesaid, not less than fifty feet in width for the purpose of a public highway or street.

6. Upon the certificate of the City Engineer or other officer
10 having charge of said work or improvements, that sections two, three, four and five thereof, as hereinafter defined, have been duly completed and laid out according to a plan as above provided, the said council shall cause the total cost of the lands, improvements and works, including amounts paid for compensation
15 tion and otherwise in connection with the said four sections and interest paid on temporary loans, if any, to be ascertained; and shall ascertain and determine the proportion, part or share of the said total cost, including interest as aforesaid, chargeable in respect of each and every lot or parcel of land
20 as the same shall appear upon the plan of survey so to be made as aforesaid, after the completion of the said sections two, three, four, and five, of which completion the certificate of the said Engineer or other officer in charge of the said work shall be sufficient evidence. In ascertaining and determining the amount charge-
25 able in respect of and against each lot as aforesaid, the said Council shall proceed, as in the case of assessing for local improvements, under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto; and when the said assessments shall have been made and finally confirmed, the
30 City Clerk shall cause a copy thereof to be filed in the Registry office for the City of Toronto, and give notice of such filing once in each week for four weeks in at least two of the daily newspapers published in the city of Toronto.

7. Any person or corporation who may have owned any
35 such lot or lots of land prior to its expropriation by the said Council under the provisions of this Act, or the heirs or assigns or successors of any such previous owner shall, where any such lot adjoins other property belonging to him or them, and lies between such other property and the channel of the said
40 river improvements, at any time within one year after the publication of the notice of filing a copy of the said assessment in the registry office for the City of Toronto, as above provided, be entitled, upon payment to the said corporation of the amount charged against any such lot or lots, together with
45 interest thereon from the date of the assessment, to have a conveyance of the lot or lots executed by the said Corporation (upon tendering the same for execution), and the said lot or lots shall be so conveyed free and clear of all charges and encumbrances, and of the lien created by this Act.

8.—(1) If for any reason, such as the existence of valuable
50 buildings and improvements upon any lands situate within the four hundred feet limit on either side of the centre line of the Don River channel so to be straightened as aforesaid, or if for any
other reason, it shall not be deemed desirable to take any portion
55 of the said lands beyond the quantity required for the formation of the new channel, and the said allowance for rail-

Assessment of improvements.

Conveyance* to owners of lots expropriated.

Corporation may take less than 400 feet on each side of the river channel.

way and highway purposes; the said Council may take only so much land as may be necessary for the purposes last above mentioned, and shall take such other lands now on one side of the river as shall, by the effect of the improvement be transferred to the other side of the river when straightened and improved, as herein provided. 5

(2) Any lands now on one side of the river which shall be cut off from the lots to which the same now belong by the effect of the proposed improvement, and transferred to the other side of the river when straightened shall, upon payment of the cost thereof, together with a proportionate part of the cost of the improvement, to be ascertained and determined as herein provided within one year after the completion of the works, be conveyed to the owner of the lands which shall adjoin the same on such other side of the river. 15

(3) In any case where the said Council shall take a less quantity of land than four hundred feet, on either side of the centre line of the new channel, the lands within the four hundred feet limit not taken, adjoining the improvement, shall become liable to be specially assessed, and shall be specially assessed in respect of said improvement, as for a local improvement, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf, but no such special assessment upon any lot, piece or parcel of land shall exceed the actual value of the benefit derived by said lands from the said improvement, the amount of such benefit to be ascertained, under the provisions of the municipal Acts, in that behalf. 25

9. The Council of the Corporation of the City of Toronto shall, before commencing the straightening and improvement of the Don River and Marsh lands under the provisions of this Act, cause to be prepared, proper plans of survey to be made and proper plans, profiles, drawings and specifications of the work to be done and improvements made, and procure estimates of the probable cost of the lands to be taken and improvements to be made, shewing the probable amount which will be charged against, assessed and levied upon the lands benefited as for a local improvement, and the amount or proportion of the cost of such improvements which will be assumed and paid for by the City at large, and shall cause the same to be duly published for the information of the ratepayers, and they shall also submit the question of undertaking the said work at the estimated cost to a vote of the electors qualified to vote on money by-laws under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf. 45

10. In the event of a majority of the said electors voting in favour of and approving the said scheme, the said improvement and works shall be proceeded with without delay, and no by-law for raising any loan by the issue of debentures for any of the purposes aforesaid, shall require to be submitted to a vote of the electors for approval before the final passing thereof, anything in the said *Consolidated Municipal Act, 1883*, and amendments thereto, or any special or private Act or Acts to the contrary, notwithstanding. 50

11. No debt, incurred under the provisions of this Act, except so much as may be incurred to meet that part of the cost of the said improvements and works to be charged to and paid for by the City at large as the City's share thereof, shall be reckoned as the debt of the City proper, and as coming within the limitation of the City debt as fixed by the said Act passed in the 42nd year of Her Majesty's reign and chaptered 75.

Expenditure not to be considered as part of the city debt.

12. It shall and may be lawful for the said Council to make agreements with any railway company or companies whereby any such railway company or companies may acquire the use of the reservation for railway purposes above provided for, upon such conditions as may be agreed upon between the said Council and any such company or companies: provided always that no one railway company shall acquire any exclusive right of property in or control over the same or any part thereof, and all railways shall be entitled to the use thereof upon equal terms, and upon paying their just share and proportion of any expenditure which shall have been made or which may at any time require to be made for construction, maintenance and repairs of tracks, switches, and other necessary works required for the proper use thereof, and the fee of the said land shall always remain in the Corporation of the City of Toronto.

Agreements with Railway Companies..

13. The said contracts may be let, and the said works may be carried on and completed in sections as follows:

Work may be done in sections.

1. The first section shall extend from the line of Bloor Street, produced easterly across the said river, as aforesaid, southerly to the line of Winchester Street, produced easterly across said river;

2. The second section shall extend from the said line of Winchester Street produced, southerly to the line of Carleton Street produced, easterly across said river:

3. The third section shall extend from the said produced line of Carleton Street southerly, to the produced line of King Street across the said river;

4. The fourth section shall extend from the said produced line of King Street southerly, to the line of Eastern Avenue, produced easterly across the said river;

5. The fifth section shall extend from the said produced line of Eastern Avenue southerly, to the northern boundary line of the marsh lands heretofore patented to and belonging to the City of Toronto;

6. The sixth section shall extend southerly, or otherwise, to the waters of the Bay, or Lake Ontario, and to such point as may be determined by the said Council.

14. The said Council may commence the said works and carry on the same from time to time at such point or points, and upon such section or sections, as may to them seem best and most advantageous: provided always that the above sections, numbered two to six, both inclusive, shall be proceeded with and carried to completion with as little delay as possible.

Manner in which works may be carried on by Council.

Erection of
bridges.

15. The said Council shall have full power and authority to erect and build over and across the said river at such points and places, and in such manner as they may deem best, all such bridges, with proper approaches thereto, as they may consider necessary, and may change the location of any existing highway bridge. 5

Leasing of
certain lots by
Council.

16. The said Council shall also have full power and authority to lease or sell any lot or lots of the said lands, as the same may be laid out upon the plan of survey, so to be made as aforesaid, which shall remain the property of the City of 10 Toronto, after the time shall have expired within which previous owners or their representatives may be entitled to a conveyance, as herein provided; and said lots may be so leased or sold upon such terms as to the said Council may seem best: provided always that no such lot shall be sold for a less sum than 15 the amount appearing chargeable against it by the assessment so to be made and filed as aforesaid, nor shall any lot be leased for a longer period or term than forty-two years. Lots sold as above provided, shall be sold and conveyed, freed and discharged of the lien created by this Act, but the purchase money 20 thereof shall be paid into, and form part of the sinking fund hereinafter mentioned.

Borrowing
powers.

17. In view of the present unsanitary condition of that part of the said river and neighbourhood hereinafter mentioned, and of the necessity of commencing said works without delay, it 25 shall and may be lawful for the said Council, notwithstanding anything in *The Consolidated Municipal Act, 1883*, or any special or private Act relating to the City of Toronto contained, and subject as hereinbefore provided, to pass such By-laws as may from time to time be necessary to raise a loan or loans for 30 such amount or amounts, not exceeding in all \$300,000, as may be necessary for the purposes of improving that part of the said River Don lying below and south of the line of Winchester Street, produced easterly across the said river, and the construction and completion of the works connected therewith, 35 including the purchase money for lands taken and compensation for damages as above provided, and to issue any number of debentures payable in this Province, or elsewhere, in sums of not less than \$100, which may be requisite and necessary therefor. 40

Form of
debentures.

18. The debentures to be issued for the purposes aforesaid shall be payable in forty years from the respective dates thereof or such shorter period as the Council may determine with interest thereon, in the meantime, at a rate not exceeding six per centum per annum, payable half-yearly; and for the purpose of 45 redeeming the said debentures and paying the interest thereon, it shall and may be lawful for the said Council in any By-law or By-laws to be passed for authorizing any such loan or loans, or any part thereof, and the issuing of debentures therefor, to impose a special rate per annum upon all ratable real and per- 50 sonal property in the municipality, to be called "The Don River and Marsh Lands Improvement Rate," over and above and in addition to all other rates to be levied in each year, which shall, together with such annual sum as the said Council may receive from the rentals of the said lands so to be improved 55 and leased as aforesaid, or any of them, or income or revenue

derived from the said improvements and works, or any of them, under any leases or agreements in that behalf with any persons or corporations who may use or occupy the same, or any part thereof, and from any special assessments which shall be made upon lands benefited, but not taken, as hereinbefore provided, be sufficient to form a sinking fund to retire said debentures when the same mature, over and above the interest payable on such debentures, which sinking fund shall be invested in each year either in the debentures provided for by this Act, or in other debentures of the municipality or Government debentures.

19. The said Council may, in their option, in lieu of issuing debentures under this Act, issue debentures to an amount not exceeding the said sum of \$300,000, for the purposes aforesaid, under the provisions of the Act passed by the Legislature of the Province of Ontario, in the 42nd year of the reign of Her Majesty, chaptered 75, entitled, *An Act respecting the Debenture Debt and certain property of the City of Toronto*.

Powers to issue debentures under V. cap. 75. 42

20. The works and improvements to be constructed under the provisions of this Act, and all lands to be acquired for the purposes thereof, or in connection therewith, and every matter and thing therewith connected, shall be and they are hereby specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation for the purposes of this Act, except as to so much of the debt as may be incurred to defray the City's share of the cost of the said improvements, including the cost of bridges as well as for the due and punctual payment of the interest thereupon, unless and until the same are freed and discharged under the provisions of section 21 of this Act; and all rents, issues and profits, or other income in any manner derived therefrom, or from any part thereof, shall be paid into a special fund, and be applied in and towards the payment of the interest accruing, due from time to time upon any loan or loans which may have been obtained under the provisions of this Act, and all amounts which may be paid in or received at any time and from time to time, other than income or rents, shall be placed to the credit of, and form part of, the sinking fund created by this Act, and shall be invested by the said Corporation either in the purchase of the debentures issued under authority of this Act, or of other debentures of the City of Toronto, or of Government debentures.

Improvements to be a charge on the land.

21. The several sections of this Act, from section 5 to section 20, both inclusive, shall not apply to the lands or property used or required by the Grand Trunk Railway Company of Canada for their railway sidings or works, unless otherwise agreed upon between the said City and the said Company, and then only to the extent so agreed upon—and with respect to any other lands of the said Company which may be affected by the improvements in the said sections authorized, the said Company shall fill in, and do all the work required in making said improvements on the said lands, according to the plans fixed for said works, subject to the approval of the Engineer in charge of the said works, on behalf of the City, and no part of the property of the said Railway Company shall be taken or charged under this Act, as in the said sections provided.

Sections 5-20 not to apply to Grand Trunk Railway.

Consumers' Gas Company.

Power of Gas
Company to
accumulate
rest.

22. The Consumers' Gas Company of Toronto, consenting hereto, it is hereby enacted that the said Company may from time to time, out of its earnings, accumulate and maintain a reserve fund which, together with the assets now invested on any of the securities hereafter mentioned, less the amount of the debts owing by the Company, shall not exceed the value of fifty per. cent of the amount of the capital stock of the Company, from time to time actually paid up, and may invest the same in Mortgages of Real Estate, Municipal Debentures, and Public Securities of the Dominion of Canada and of the Province of Ontario, and after the accumulation of such reserve and subject to its maintenance, the Board of Directors shall, at intervals of not less than once in each five years, fix the price of gas at such a sum only as in their judgment will be necessary to produce a yearly income therefrom sufficient for the payment of all outgoings of the Company, and for the accumulation and maintenance of a reasonable fund for repairs and renewal of plant and buildings, and for payment of dividends on the amount of their capital stock from time to time paid up, according to their corporate powers in that behalf, which is hereby limited to ten per centum per annum upon the par value of the amount of capital stock from time to time actually paid up and which may be paid quarterly, but no such extensions of the Company's works as would be properly chargeable to capital account, shall be paid out of the ordinary earnings of the Company from the sale of gas, but the cost of all such extensions shall be paid out of funds realized from the issue of new capital stock or assets of the Company, other than the then current receipts for gas sold to consumers.

Power to issue
additional
stock.

23. It shall be lawful for the said the Consumers' Gas Company of Toronto, to add to their present capital stock any sum not exceeding \$500,000, divided into shares of \$50 each, provided that such increase of capital stock shall be agreed upon by a majority of the votes of the shareholders present at any annual general meeting or meetings, or at any special general meeting or meetings called from time to time for that purpose.

Power to
further in-
crease stock.

24. After the capital stock of said Company shall have been increased by the amount of said \$500,000 hereinbefore authorized, and after the whole amount of such increase shall have been paid up and expended by the Company in their works or capital account, the Lieutenant-Governor in Council may from time to time authorise and empower the Company to further increase their capital stock to an amount in all not exceeding \$500,000, such further increase to be divided into shares of \$50 each; and any new stock forming part of any increase of capital stock made under the authority of this Act, or of the Lieutenant-Governor in Council, shall be dealt with in all respects as if the same formed part of the last increase of capital stock of said Company made under the authority of this Legislature prior to the passing of this Act.

Yearly state-
ment by
company.

25. Once in each year the Company shall make out and deposit with the Provincial Secretary a summary containing

the particulars required by section 49 of chapter 150 of the Revised Statutes, except that the same shall show the state of the affairs of the Company at the close of its then last financial year, instead of the thirty-first of December as therein mentioned, 5 which summary shall be verified in manner required by said section.

26. In case the Corporation of the City of Toronto at the expiration of any period of five years' petitions for a Commission to issue under the great seal to enquire whether the Commission of inquiry.
10 Company is charging a higher rate for gas supplied to the consumers than it is entitled to charge therefor, and if sufficient cause is shewn, the Lieutenant-Governor in Council may, after notice to and after hearing the Company issue a Commission accordingly, and the Commissioner or Commissioners
15 or such one or more of them as the Commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents and to give evidence as any court has in civil cases.

27. The expenses to be allowed for executing the commission shall be determined and certified by the Treasurer of Costs of commission.
20 Ontario, and shall thenceforth become a debt due to the Commissioner or Commissioners by the said City, and shall be payable within three months after demand thereof made by the Commissioners or any one of them at the office of the
25 Treasurer.

28. In any case where the Commissioner or Commissioners or such one or more of them as the commission empowers to act shall report that the Company has wilfully and knowingly contravened or evaded the provisions of this or any other Act
30 or agreement limiting the profits or dividends of the Company the City shall be entitled to be paid by the Company all the costs and expenses properly incurred by the City in and about the such commission forthwith, after taxation by the taxing officer, of the Chancery Division of the High Court of Justice, as
35 between party and party, on the scale of the Superior Court Tariff of costs and including the said expenses allowed for executing the commission and in default of such Commissioner or Commissioners as aforesaid, so reporting, the said City shall pay to said Company all the costs and expenses properly incurred by
40 the Company in and about such commission forthwith, after taxation in manner and on the scale aforesaid, but such commission shall not issue at shorter intervals than once in each period of five years.

29. The Council of the Corporation of the City of Toronto Cattle market.
45 may pass a by-law for taking so much land as may be required for a new cattle market, subject to the right of the owner or owners to receive all due and proper compensation therefor, the same to be settled by arbitration under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in
50 that behalf, in case the parties differ about the same: provided, that no by-law for the taking or purchasing of any such lands for the purposes aforesaid, shall be passed until the necessary funds shall have been first provided by by-law submitted to and approved of by the vote of the ratepayers duly
55 qualified to vote on such by-law under *The Consolidated Municipal Act, 1883*.

Reduction of
sinking fund
under 42 V.
c. 31.

30. The Council of the Corporation of the City of Toronto may pass by-laws for authorizing the reduction of the annual sinking fund rate, or amount required to be collected under local improvement by-laws passed by the council prior to the Act passed by the Legislative Assembly of the Province of Ontario, in the 42nd year of the reign of Her Majesty, chaptered 31, and for making allowance for the interest accrued from the investment of the amounts of sinking heretofore collected under such by-laws: provided always that in settling the sum to be raised annually for the remaining years which any such by-law has to run for the payment of the debt, in lieu of the sinking fund rate, fixed by the original by-law, the rate of interest on future investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly: provided also that no by-law reducing the sinking fund rates, fixed by any such local improvement by-law, shall become valid or effectual until the same shall have been assented to by the Lieutenant-Governor in Council.

Power to
guarantee
local improve-
ment debentures.

31. In the matter of by-laws passed, or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder, and add to their commercial value, it shall be lawful for the said City of Toronto to declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the city at large, any thing contained in sub-section (d) to section 343, of *The Consolidated Municipal Act, 1883*, to the contrary notwithstanding.

Assessments
in St. Mark's
Ward.

32. In the matter of the recent annexation of the late Municipality of the Village of Brockton to the City of Toronto as St. Mark's Ward in the said city, and with regard to the by-laws passed by the council of said late Municipality of Brockton, set out in the schedule to the Act passed in the 47th year of Her Majesty's reign, chapter 47, and with regard to any other by-laws passed by the said Council, authorizing the issue of debentures for general school or local improvement purposes, or for incurring debts by way of temporary loans in anticipation of the completion of works, and ascertaining the exact cost thereof in anticipation of the future local special assessments to be made upon the properties benefited by the improvements, and the passage of by-laws for the issue of debentures to retire such temporary loans, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf, in order to remove all doubts as to the validity of said by-laws and assessments, where made, and the value of any debentures issued under such by-laws, and in order to provide for the payment of the principal and interest of the debts incurred by the said late Village of Brockton, for the construction of such local improvements to be paid for by special assessments where such assessments have not been made; it shall be lawful for the Council of the Corporation of the City of Toronto to pass by-laws providing for new and proper special local assessments, where assessments have been heretofore made by the Council of the said late Village of Brockton in lieu of the assessments and ratings heretofore made upon real property benefited by such local improvements, and for making proper special local assessments, where local improvements have been made with money borrowed in

anticipation of the special assessments thereafter to be made upon the real property benefited, and where such assessments have not yet been made; and for providing funds to meet the local improvement debts incurred by the said late Village of 5 Brockton, as well upon the credit of the Village at large, as upon the security of the local special assessments made or to be made, and for providing for the issue of debentures under the seal of the said city, and for assessing and levying all sufficient rates for providing the interest to be paid; 10 and the sinking fund to be invested in relation thereto: provided that after the making of such new assessments and ratings, and the passing of said by-laws any ratings heretofore made in that behalf, shall be held to be null and void, save and except as to any payments thereunder, which payments 15 shall be duly adjusted for the benefit of the parties concerned in bringing the new assessments and ratings into effect; and it shall be further lawful for the said City of Toronto to exchange the debentures so to be issued, for the purposes aforesaid, under the seal of the said city for any debentures of the late 20 Village of Brockton which may have been sold or are held by parties, either by absolute purchase or as security for cash advances made to the said late municipality.

33. All by-laws heretofore passed by the said Council of the Corporation of the City of Toronto, for borrowing money 25 on the general credit of the city to provide for the payment of the city's share of local improvements and works, for borrowing money by the issue of debentures secured by special assessment on the Toronto Street Railway Company, to provide for the payment of the cost of their share of local improvements 30 and works, and for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such improvements and works, are hereby declared valid and effectual.

34.—(1) Notwithstanding anything in *The Consolidated* 35 *Municipal Act, 1883*, and amendments thereto, or any special or private Act relating to the said City of Toronto and the debenture debt thereof, to the contrary it shall and may be lawful, subject as hereinafter provided, for the council of the Corporation of the City of Toronto to pass all such by-laws as 40 may from time to time be necessary to raise loans, and for borrowing money by the issue and sale of debentures of the City of Toronto; such debentures to be made payable within forty years, or such less time as the council may determine, to an amount not exceeding the sum of \$1,500,000, for the 45 purpose of carrying out a complete system of drainage, and constructing the necessary works connected therewith and required therefor, and for improving the sanitary condition of the City of Toronto: provided that before passing any such by-law or undertaking such work, a 50 system of drainage, together with an estimate of the cost thereof, shall be submitted to and approved by the council and provided also that the question of undertaking the construction of such system of drainage and the necessary works connected therewith at the estimated costs thereof, shall be submitted to and approved of by the vote of the majority of 55 the electors voting thereon, entitled to vote on money by-laws under the provisions of *The Consolidated Municipal Act*,

Confirmation
of by-laws and
debentures.

Authority to
borrow
\$1,500,000 for
drainage
purposes.

1883, and amending Acts, but thereafter it shall not be necessary to submit the by-laws providing for the issue of the debentures and for borrowing, from time to time the sum of money authorized by the ratepayers to carry on and complete the said improvement and works to the vote of the electors. 5

(2) Debentures issued under the provisions of this enactment and the moneys borrowed thereunder, shall not be reckoned as part of the general city debt, and the provisions of the Act passed in the 42nd year of Her Majesty's reign, chaptered 75, whereby the general debenture debt of the city 10 is limited, shall not apply to any debt created under this enactment.

(3) All moneys borrowed under the provisions of this enactment shall be kept apart and as a separate fund, to be known as the Drainage Fund, and shall be applied to no other purposes than the purposes herein mentioned. 15

(4) The debentures to be issued in pursuance of this enactment shall be known and designated as "City of Toronto Public Drainage Debentures," and shall be so designated on the face thereof. 20

No. 41.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting the City of Toronto.

First Reading, 1886.

(Private Bill.)

Mr. MORRIS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the City of Toronto.

WHEREAS, the Corporation of the City of Toronto have, Preamble.

by their petition, prayed for special legislation relating to the several matters and things hereinafter set forth, and whereas it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Don River Improvement.

1. In view of the necessity which exists for improving the Don River, and securing the sanitary condition of that part of the City of Toronto contiguous to the said river, it is hereby enacted that the Council of the City of Toronto shall have power and authority ; and they are hereby authorized and empowered :—

Powers as to entering or acquiring lands and making contracts.

1. To at any time enter with their engineers, surveyors servants or agents, upon the land of any person or corporation lying between the waters of Toronto Bay, or Lake Ontario, and the line of Bloor Street, produced easterly across the River Don, and within a range or distance of 1,000 feet on either side of the said river, as at present located, for the purpose of making all necessary surveys, and taking all necessary levels, and doing all other things necessary and proper to enable them to determine upon the most feasible plan of improving the River Don and the lands in the valley on either side thereof, adjacent thereto, and securing the sanitary condition of the neighbourhood ;

2. To enter upon, take, use and acquire all land, and land covered by water lying between the waters of Toronto Bay, or Lake Ontario, and the said line of Bloor Street, produced easterly across the said River Don, and within a range or distance of 400 feet on either side of the centre line of the said river, as laid out on a map or plan prepared, or to be prepared, and adopted by the said Council, for the purpose of straightening, widening, deepening and improving the said river, reclaiming the flat lands on either side thereof, and filling in and otherwise improving the same, and fitting the said lands for such uses and purposes as they may see fit ;

3. To enter upon, take, and appropriate for the use of the said city, any lands of the Crown lying between the said last mentioned boundaries that have not been already granted or sold, and also so much of the public beach, or of the land covered with the waters of the bay or lake, within a

range of 500 feet on either side of the centre of the said river, as shown on the said plan;

4. To enter into any contract or contracts with any person or persons, or body corporate, who may be willing to undertake the same for the purpose of straightening the course of the said River Don between the line of Bloor Street, produced easterly, as aforesaid, and the Bay, or Lake Ontario (but such course need not necessarily be in a straight line), for widening said river to a width of not more than 120 feet, to deepen the same to such depth as the said Council may see fit, to fill in, improve, and raise the land on either side thereof, within the limits aforesaid, to such height as the said Council may see fit, and generally to carry out and complete all such works connected with the improvement of the said river, and the securing of the sanitary condition of the neighbourhood, as the said Council may be advised to be proper and necessary for the uses and purposes contemplated by this Act;

5. To contract with the owners and occupiers of the lands which the said Council is hereby authorized to take, within the limits aforesaid, and those having an interest in or right to use the said river within the limits above mentioned, for the purchase of the said lands, or of any part thereof, or of any privilege that may be required for the purposes of the said corporation in connection with the works and improvements contemplated by this Act;

6. In case of any disagreement between the Council and the owners or occupiers of, or other persons interested in any lands entered upon, taken or used by the said corporation in the exercise of any of the powers conferred by this Act, or injuriously affected by the exercise of said powers, as to the amount of purchase money of the said lands, or of any part thereof, or as to the amount of compensation to be made to any such person, every such dispute and claim shall be settled and determined by arbitration, under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto, if any, on that behalf.

7. To lay out the said lands, after the completion of each section of the said improvement and works as hereinafter provided, on either side of the said river, according to such plans or plans of survey, as they may see fit, reserving next the margin of the said river, and the waters thereof, within the limits aforesaid, a strip of land not less than twenty-five feet in width for the purposes of railway tracks, switches and sidings, to be used and occupied as hereinafter mentioned, and reserving also on either side of the said river, within the limits aforesaid, and immediately adjoining the said reservation for railway purposes, a strip of land along the whole length thereof, within the limits aforesaid, not less than fifty feet in width for the purpose of a public highway or street.

Assessment of improvements. 2. Upon the certificate of the City Engineer or other officer having charge of said work or improvements, that sections two, three, four and five thereof, as hereinafter defined, have been duly completed and laid out according to a plan as above provided, the said council shall cause the total cost of the lands, improvements and works, including amounts paid for compensa-

tion and otherwise in connection with the said four sections and interest paid on temporary loans, if any, to be ascertained; and shall ascertain and determine the proportion, part or share of the said total cost, including interest as aforesaid, chargeable in respect of each and every lot or parcel of land as the same shall appear upon the plan of survey so to be made as aforesaid, after the completion of the said sections two, three, four, and five, of which completion the certificate of the said Engineer or other officer in charge of the said work shall be sufficient evidence. In ascertaining and determining the amount chargeable in respect of and against each lot as aforesaid, the said Council shall proceed, as in the case of assessing for local improvements, under the provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto; and when the said assessments shall have been made and finally confirmed, the City Clerk shall cause a copy thereof to be filed in the Registry office for the City of Toronto, and give notice of such filing once in each week for four weeks in at least two of the daily newspapers published in the city of Toronto.

3. Any person or corporation who may have owned any such lot or lots of land prior to its expropriation by the said Council under the provisions of this Act, or the heirs or assigns or successors of any such previous owner shall, where any such lot adjoins other property belonging to him or them, and lies between such other property and the channel of the said river improvements, at any time within one year after the publication of the notice of filing a copy of the said assessment in the registry office for the City of Toronto, as above provided, be entitled, upon payment to the said corporation of the amount charged against any such lot or lots, together with interest thereon from the date of the assessment, to have a conveyance of the lot or lots executed by the said Corporation (upon tendering the same for execution), and the said lot or lots shall be so conveyed free and clear of all charges and encumbrances, and of the lien created by this Act.

Conveyance to owners of lots expropriated.

4.—(1) If for any reason, such as the existence of valuable buildings and improvements upon any lands situate within the four hundred feet limit on either side of the centre line of the Don River channel so to be straightened as aforesaid, or if for any other reason, it shall not be deemed desirable to take any portion of the said lands beyond the quantity required for the formation of the new channel, and the said allowance for railway and highway purposes; the said Council may take only so much land as may be necessary for the purposes last above mentioned, and shall take such other lands now on one side of the river as shall, by the effect of the improvement be transferred to the other side of the river when straightened and improved, as herein provided.

Corporation may take less than 400 feet on each side of the river channel.

(2) Any lands now on one side of the river which shall be cut off from the lots to which the same now belong by the effect of the proposed improvement, and transferred to the other side of the river when straightened shall, upon payment of the cost thereof, together with a proportionate part of the cost of the improvement, to be ascertained and determined as herein provided within one year after the completion of the works, be conveyed to the owner of the lands which shall adjoin the same on such other side of the river.

(3) In any case where the said Council shall take a less quantity of land than four hundred feet, on either side of the centre line of the new channel, the lands within the four hundred feet limit not taken, adjoining the improvement, shall become liable to be specially assessed, and shall be specially assessed in respect of said improvement, as for a local improvement, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf, but no such special assessment upon any lot, piece or parcel of land shall exceed the actual value of the benefit derived by said lands from the said improvement, the amount of such benefit to be ascertained, under the provisions of the municipal Acts, in that behalf.

5. The Council of the Corporation of the City of Toronto shall, before commencing the straightening and improvement of the Don River and Marsh lands under the provisions of this Act, cause proper plans of survey to be made and proper plans, profiles, drawings and specifications, of the work to be done and improvements to be made, to be prepared, and procure estimates of the probable cost of the lands to be taken and improvements to be made, shewing the probable amount which will be charged against, assessed and levied upon the lands benefited as for a local improvement, and the amount or proportion of the cost of such improvements which will be assumed and paid for by the City at large, and shall cause the same to be duly published for the information of the ratepayers, and they shall also submit the question of undertaking the said work at the estimated cost to a vote of the electors qualified to vote on money by-laws under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf.

Publication of estimates, etc.

6. In the event of a majority of the said electors voting in favour of and approving the said scheme, the said improvement and works shall be proceeded with without delay, and no by-law for raising, to the amount authorized by the vote of the ratepayers, any loan, or loans, from time to time, by the issue of debentures for any of the purposes aforesaid, shall require to be submitted to a vote of the electors for approval before the final passing thereof, anything in the said *Consolidated Municipal Act, 1883*, and amendments thereto, or any special or private Act or Acts to the contrary, notwithstanding.

Commencement of works.

7. No debt, incurred under the provisions of this Act, except so much as may be incurred to meet that part of the cost of the said improvements and works to be charged to and paid for by the City at large as the City's share thereof, shall be reckoned as the debt of the City proper, and as coming within the limitation of the City debt as fixed by the said Act passed in the 42nd year of Her Majesty's reign and chaptered 75.

Expenditure not to be considered as part of the city debt.

8. It shall and may be lawful for the said Council to make agreements with any railway company or companies whereby any such railway company or companies may acquire the use of the reservation for railway purposes above provided for, upon such conditions as may be agreed upon between the said Council and any such company or companies: provided always

Agreements with Railway Companies.

that no one railway company shall acquire any exclusive right of property in or control over the same or any part thereof, and all railways shall be entitled to the use thereof upon equal terms, and upon paying their just share and proportion of any expenditure which shall have been made or which may at any time require to be made for construction, maintenance and repairs of tracks, switches, and other necessary works required for the proper use thereof, and the fee of the said land shall always remain in the Corporation of the City of Toronto.

10 9. The said contracts may be let, and the said works may be carried on and completed in sections as follows: Work may be done in sections.

1. The first section shall extend from the line of Bloor Street, produced easterly across the said river, as aforesaid, southerly to the line of Winchester Street, produced easterly across said river;

2. The second section shall extend from the said line of Winchester Street produced, southerly to the line of Carleton Street produced, easterly across said river:

20 3. The third section shall extend from the said produced line of Carleton Street southerly, to the produced line of King Street across the said river:

4. The fourth section shall extend from the said produced line of King Street southerly, to the line of Eastern Avenue, produced easterly across the said river;

25 5. The fifth section shall extend from the said produced line of Eastern Avenue southerly, to the northern boundary line of the marsh lands heretofore patented to and belonging to the City of Toronto;

6. The sixth section shall extend southerly, or otherwise, to the waters of the Bay, or Lake Ontario, and to such point as may be determined by the said Council.

10. The said Council may commence the said works and carry on the same from time to time at such point or points, and upon such section or sections, as may to them seem best and most advantageous: provided always that the above sections, numbered two to six, both inclusive, shall be proceeded with and carried to completion with as little delay as possible. Manner in which works may be carried on by Council.

11. The said Council shall have full power and authority to erect and build over and across the said river at such points and places, and in such manner as they may deem best, all such bridges, with proper approaches thereto, as they may consider necessary, and may change the location of any existing high-water bridge. Erection of bridges.

12. The said Council shall also have full power and authority to lease or sell any lot or lots of the said lands, as the same may be laid out upon the plan of survey, so to be made as aforesaid, which shall remain the property of the City of Toronto, after the time shall have expired within which previous owners or their representatives may be entitled to a conveyance, as herein provided; and said lots may be so leased or sold upon such terms as to the said Council may seem best: Leasing of certain lots by Council.

provided always that no such lot shall be sold for a less sum than the amount appearing chargeable against it by the assessment so to be made and filed as aforesaid, nor shall any lot be leased for a longer period or term than forty-two years. Lots sold as above provided, shall be sold and conveyed, freed and discharged of the lien created by this Act, but the purchase money thereof shall be paid into, and form part of the sinking fund hereinafter mentioned.

**Borrowing
powers.**

13. In view of the present unsanitary condition of that part of the said river and neighbourhood hereinafter mentioned, and of the necessity of commencing said works without delay, it shall and may be lawful for the said Council, notwithstanding anything in *The Consolidated Municipal Act, 1883*, or any special or private Act relating to the City of Toronto contained, and subject as hereinbefore provided in section 6 of this Act, to pass such By-laws as may from time to time be necessary to raise a loan or loans for such amount or amounts, not exceeding in all \$300,000, as may be necessary for the purposes of improving that part of the said River Don lying below and south of the line of Winchester Street, produced easterly across the said river, and the construction and completion of the works connected therewith, including the purchase money for lands taken and compensation for damages as above provided, and to issue any number of debentures payable in this Province, or elsewhere, in sums of not less than \$100, which may be requisite and necessary therefor.

**Form of
debentures.**

14. The debentures to be issued for the purposes aforesaid shall be payable in forty years from the respective dates thereof or such shorter period as the Council may determine with interest thereon, in the meantime, at a rate not exceeding six per centum per annum, payable half-yearly; and for the purpose of redeeming the said debentures and paying the interest thereon, it shall and may be lawful for the said Council in any By-law or By-laws to be passed for authorizing any such loan or loans, or any part thereof, and the issuing of debentures therefor, to impose a special rate per annum upon all ratable real and personal property in the municipality, to be called "The Don River and Marsh Lands Improvement Rate," over and above and in addition to all other rates to be levied in each year, which shall, together with such annual sum as the said Council may receive from the rentals of the said lands so to be improved and leased as aforesaid, or any of them, or income or revenue derived from the said improvements and works, or any of them, under any leases or agreements in that behalf with any persons or corporations who may use or occupy the same, or any part thereof, and from any special assessments which shall be made upon lands benefited, but not taken, as hereinbefore provided, be sufficient to form a sinking fund to retire said debentures when the same mature, over and above the interest payable on such debentures, which sinking fund shall be invested in each year either in the debentures provided for by this Act, or in other debentures of the municipality or Government debentures.

**Powers to
issue debentures under
V. cap. 75.**

15. The said Council may, in their option, in lieu of issuing debentures under this Act, issue debentures to an amount not

exceeding the said sum of \$300,000, for the purposes aforesaid, under the provisions of the Act passed by the Legislature of the Province of Ontario, in the 42nd year of the reign of Her Majesty, chaptered 75, entitled, *An Act respecting the*
 5 *Debenture Debt and certain property of the City of Toronto.*

16. The works and improvements to be constructed under the provisions of this Act, and all lands to be acquired for the purposes thereof, or in connection therewith, and every matter and thing therewith connected, shall be and they are hereby
 10 specially charged, pledged, mortgaged and hypothecated for the repayment of any sum or sums which may be borrowed by the said Corporation for the purposes of this Act, except as to so much of the debt as may be incurred to defray the City's share of the cost of the said improvements, including the cost of
 15 bridges as well as for the due and punctual payment of the interest thereupon, unless and until the same are freed and discharged under the provisions of section 16 of this Act; and all rents, issues and profits, or other income in any manner derived therefrom, or from any part thereof, shall be paid
 20 into a special fund, and be applied in and towards the payment of the interest accruing, due from time to time upon any loan or loans which may have been obtained under the provisions of this Act, and all amounts which may be paid in or received at any time and from time to time, other than income
 25 or rents, shall be placed to the credit of, and form part of, the sinking fund created by this Act, and shall be invested by the said Corporation either in the purchase of the debentures issued under authority of this Act, or of other debentures of the City of Toronto, or of Government debentures.
- 30 17. The several sections of this Act, from section 1 to section 16, both inclusive, shall not apply to the lands or property used or required by the Grand Trunk Railway Company of Canada for their railway sidings or works, unless otherwise
 35 then only to the extent so agreed upon—and with respect to any other lands of the said Company which may be affected by the improvements in the said sections authorized, the said Company shall fill in, and do all the work required in making said improvements on the said lands, according to the plans fixed for
 40 said works, subject to the approval of the Engineer in charge of the said works, on behalf of the City, and no part of the property of the said Railway Company shall be taken or charged under this Act, as in the said sections provided.

Improvements to be a charge on the land.

Sections 1-16 not to apply to Grand Trunk Railway.

18. The Council of the Corporation of the City of Toronto
 45 may pass a by-law for taking so much land as may be required for a new cattle market, subject to the right of the owner or owners to receive all due and proper compensation therefor, the same to be settled by arbitration under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in
 50 that behalf, in case the parties differ about the same: provided, that no by-law for the taking or purchasing of any such lands for the purposes aforesaid, shall be passed until the necessary funds shall have been first provided by by-law submitted to and approved of by the vote of the ratepayers duly
 55 qualified to vote on such by-law under *The Consolidated Municipal Act, 1883*.

Cattle market.

Reduction of
sinking fund
under 42 V.
c. 31.

19. The Council of the Corporation of the City of Toronto may pass by-laws for authorizing the reduction of the annual sinking fund rate, or amount required to be collected under local improvement by-laws passed by the council prior to the Act passed by the Legislative Assembly of the Province of Ontario, 5 in the 42nd year of the reign of Her Majesty, chaptered 31, and for making allowance for the interest accrued from the investment of the amounts of sinking heretofore collected under such by-laws: provided always that in settling the sum to be raised annually for the remaining years which any such 10 by-law has to run for the payment of the debt, in lieu of the sinking fund rate, fixed by the original by-law, the rate of interest on future investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly: provided also that no by-law reducing the sinking fund rates, 15 fixed by any such local improvement by-law, shall become valid or effectual until the same shall have been assented to by the Lieutenant-Governor in Council.

Power to
guarantee
local improve-
ment debentures.

20. In the matter of by-laws passed, or to be passed for works payable by local assessment, in order to facilitate the 20 negotiation of debentures issued thereunder, and add to their commercial value, it shall be lawful for the said City of Toronto to declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the city at large, any thing contained in sub-section (d) to section 25 343, of *The Consolidated Municipal Act, 1883*, to the contrary notwithstanding.

Assessments
in St. Mark's
Ward.

21. In the matter of the recent annexation of the late Municipality of the Village of Brockton to the City of Toronto as St. Mark's Ward in the said city, and with regard to the by-laws passed by the council of said late Municipality of Brockton, set out in the schedule to the Act passed in the 47th year of Her Majesty's reign, chapter 47, and with regard to any other by-laws passed by the said Council, authorizing the issue of debentures for general school or local improve- 35 ment purposes, or for incurring debts by way of temporary loans in anticipation of the completion of works, and ascertaining the exact cost thereof in anticipation of the future local special assessments to be made upon the properties benefited by the improvements, and the passage of by-laws for 40 the issue of debentures to retire such temporary loans, under the provisions of *The Consolidated Municipal Act, 1883*, and amending Acts in that behalf, in order to remove all doubts as to the validity of said by-laws and assessments, where made, and the value of any debentures issued under such by-laws, and 45 in order to provide for the payment of the principal and interest of the debts incurred by the said late Village of Brockton, for the construction of such local improvements to be paid for by special assessments where such assessments have not been made; it shall be lawful for the Council of the Corporation of 50 the City of Toronto to pass by-laws providing for new and proper special local assessments, where assessments have been heretofore made by the Council of the said late Village of Brockton in lieu of the assessments and ratings heretofore made upon real property benefited by such local improvements, and 55 for making proper special local assessments, where local improvements have been made with money borrowed in

anticipation of the special assessments thereafter to be made upon the real property benefited, and where such assessments have not yet been made; and for providing funds to meet the local improvement debts incurred by the said late Village of
 5 Brockton, as well upon the credit of the Village at large, as upon the security of the local special assessments made or to be made, and for providing for the issue of debentures under the seal of the said city, and for assessing and levying all sufficient rates for providing the interest to be paid,
 10 and the sinking fund to be invested in relation thereto: provided that after the making of such new assessments and ratings, and the passing of said by-laws any ratings heretofore made in that behalf, shall be held to be null and void, save and except as to any payments thereunder, which payments
 15 shall be duly adjusted for the benefit of the parties concerned in bringing the new assessments and ratings into effect; and it shall be further lawful for the said City of Toronto to exchange the debentures so to be issued, for the purposes aforesaid, under the seal of the said city for any debentures of the late
 20 Village of Brockton which may have been sold or are held by parties, either by absolute purchase or as security for cash advances made to the said late municipality.

22. All by-laws heretofore passed by the said Council of the Corporation of the City of Toronto, for borrowing money
 25 on the general credit of the city to provide for the payment of the city's share of local improvements and works, for borrowing money by the issue of debentures secured by special assessment on the Toronto Street Railway Company, to provide for the payment of the cost of their share of local improvements
 30 and works, and for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such improvements and works, are hereby declared valid and effectual.

23.—(1) Notwithstanding anything in *The Consolidated*
 35 *Municipal Act, 1883*, and amendments thereto, or any special or private Act relating to the said City of Toronto and the debenture debt thereof, to the contrary it shall and may be lawful, subject as hereinafter provided, for the council of the Corporation of the City of Toronto to pass all such by-laws as
 40 may from time to time be necessary to raise loans, and for borrowing money by the issue and sale of debentures of the City of Toronto; such debentures to be made payable within forty years, or such less time as the council may determine, to an amount not exceeding the sum of \$1,500,000, for the
 45 purpose of carrying out a complete system of drainage, and constructing the necessary works connected therewith and required therefor, and for improving the sanitary condition of the City of Toronto: provided that before passing any such by-law or undertaking such work, a
 50 system of drainage, together with an estimate of the cost thereof, shall be submitted to and approved by the council and provided also that the question of undertaking the construction of such system of drainage and the necessary works connected therewith at the estimated costs thereof, shall be sub-
 55 mitted to and approved of by the vote of the majority of the electors voting thereon, entitled to vote on money by-laws under the provisions of *The Consolidated Municipal Act*,

1883, and amending Acts, but thereafter it shall not be necessary to submit the by-laws providing for the issue of the debentures and for borrowing, from time to time the sum of money authorized by the ratepayers to carry on and complete the said improvement and works to the vote of the electors. 5

(2) Debentures issued under the provisions of this enactment and the moneys borrowed thereunder, shall not be reckoned as part of the general city debt, and the provisions of the Act passed in the 42nd year of Her Majesty's reign, chaptered 75, whereby the general debenture debt of the city 10 is limited, shall not apply to any debt created under this enactment.

(3) All moneys borrowed under the provisions of this enactment shall be kept apart and as a separate fund, to be known as the Drainage Fund, and shall be applied to no other purposes than the purposes herein mentioned. 15

(4) The debentures to be issued in pursuance of this enactment shall be known and designated as "City of Toronto Public Drainage Debentures," and shall be so designated on the face thereof. 20

No. 41.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the City of Toronto.

First Reading,	12th	March,	1886.
Second	"	"	1886.

(Private Bill.)

Mr. MORRIS.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to reduce the Area of the Town of Bothwell.

WHEREAS a number of the freeholders in the town of Preamble.

Bothwell, by their petition, have shewn that the said town embraces a large quantity of land used exclusively for farming purposes, and that there is no probability of the said lands being required for town purposes, and that such lands have been continuously assessed for purposes wholly without benefit to them; and that such taxation is a great injustice to the owners of said lands, and that the municipal council of said town has refused to petition in the ordinary way to reduce the area of the said town by detaching the said lands from said town, and transferring the same to the adjoining Township of Zone, and whereas the said petitioners have prayed that an Act may be passed to reduce the area of the said town by detaching the said lands from the said town and transferring the same to the adjoining Township of Zone; and it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

- 20 **1.** All those part of lots twelve and thirteen on the ninth concession, formerly of the Township of Zone and now in the Town of Bothwell, lying north-west of Cherry Street, and all that part of said lot thirteen lying north-east of Jane Street, in said town, lot twelve in the tenth concession, formerly of Zone, now in said Town of Bothwell; lots one, two, three, four, five, six, seven, eight, nine and ten, in the first range, north of the Longwoods Road, lots seventeen, eighteen, nineteen, twenty, and twenty-one, in the River Thames range, south of the Longwoods, formerly in said Township of Zone, now in the Town of Bothwell, be and the same are hereby detached from the said Town of Bothwell and are hereby transferred to and shall form part of the Township of Zone, in the County of Kent.

Certain lands detached from the Town of Bothwell and transferred to the Township of Zone.

- 35 **2.** In case the respective councils of the said town and township shall not arrange regarding the amount (if any) to be paid by said township to said town by reason of detaching the said lands from the said town and transferring the same to the said township, then the matters in dispute shall be referred to arbitration under the provisions of *The Consolidated Municipal Act, 1883*.

Provisions for settlement of accounts on transfer.

BILL.

An Act to reduce the Area of the Town of
Bothwell.

First Reading,	1886.
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(Private Bill.)

Mr. FERGUSON.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to separate certain Municipalities from the Counties of Wellington, Perth and Huron, and to erect the same into the County of Lansdowne.

WHEREAS the population of the Townships of Minto, Arthur, Maryboro', and West Luther, in the County of Wellington, the Township of Wallace, in the County of Perth, the Township of Howick, in the County of Huron, and of the Towns of Palmerston and Harriston and the villages of Arthur, Clifford, and Drayton, in the said County of Wellington, and of the Village of Wroxeter in the said County of Huron, is about twenty-six thousand eight hundred and ninety-two, and the assessed value of the property comprised therein is about \$8,679,914; and whereas many of the said municipalities are inconveniently distant from the county towns of the counties of which they form part, and the said counties are of unwieldy size; and whereas the said municipalities are of such size and wealth, and their relative situation and trade relations are such as to render it fitting that they should (with the approval of the people) be formed into a new county; and whereas divers petitions have been presented praying for the passing of this Act, and it is expedient to grant the prayer of the said petitions;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The reeves and deputy-reeves of the Townships of Minto, Arthur, Maryboro' and West Luther in the County of Wellington, of the Township of Wallace in the County of Perth, of the Township of Howick in the county of Huron, and the mayors, reeves and deputy-reeves of the Towns of Palmerston and Harriston, and the reeves and deputy-reeves of the Villages of Arthur, Clifford, and Drayton, in the said County of Wellington, and of the Village of Wroxeter, in the said County of Huron, shall form a provisional municipal council, under the style and name of the County of Lansdowne, for the purposes of this Act.

2. It shall, upon the written request of a majority of the mayors, reeves and deputy-reeves of the said towns, villages and townships aforesaid, be the duty of the mayor of Palmerston to call a meeting of the mayors, reeves, and deputy-reeves of the said towns, villages and townships, at such place and hour within the Town of Palmerston as he shall appoint, and a notice of such meeting shall be inserted in at least one newspaper published within the said Counties of Wellington, Perth, and Huron respectively, and a copy of such notice sent by mail

- or otherwise to each of such mayors, reeves and deputy-reeves, at least ten days before the day appointed for such meeting; and the said provisional council shall at the first meeting thereof to be held under this Act, proceed to elect a Provisional Warden; after which, at the same meeting, or some adjournment thereof, they shall proceed to pass a by-law for the purpose of taking a vote of the qualified municipal electors of the said towns, villages and townships aforesaid, on the question of the separation and erection into a new county, by vote to be specially taken for that purpose, each qualified elector having one vote, and voting "yea" or "nay," after at least ten days' notice shall have been given in the manner to be provided by such by-law of the time and places when and where the said vote is to be taken.
- Election of warden.** 5
- Vote for question of separation and election of new county.** 10
- Ascertaining the result of the poll.** 15
- If the result be "nay."** 20
- If the result be "yea."** 25
- County Town.** 25
- Erection of county buildings.** 30
- Proclamation of Lieutenant-Governor of the erection of new county.** 40
- Powers of provisional council prior to proclamation.** 50
3. The Provisional Council shall meet on the requisition of the Warden on some day after the day or days appointed for taking such vote, and proceed in open council to ascertain the number of votes recorded "yea" and "nay," and if the result shall show that a majority of the votes recorded are "nay," then after making a record of the same in the minutes of the said Provisional Council, the said council shall adjourn *sine die*, and be called together again only on the written request of a majority of the mayors, reeves, and deputy-reeves of the said towns, villages and townships in manner as aforesaid.
4. If the results shall shew that a majority of the votes recorded are "yea," the said Provisional Council shall make a record thereof in their minutes, and in that event the county town of the new county shall be Palmerston.
5. The said Provisional Council shall and may hereafter pass a by-law for providing means for purchasing and acquiring lands, and erecting the necessary county buildings thereon at Palmerston; but before its final passing, such by-law shall be submitted to the municipal electors of the said new county, and a vote shall be taken on the same in like manner as provided by *The Consolidated Municipal Act, 1883*, and after passing such by-law the said Provisional Council shall proceed to erect the necessary county buildings.
6. After the necessary buildings shall have been erected as aforesaid, it shall be lawful for the Lieutenant-Governor in Council, by proclamation, to declare the said towns, villages and townships separated from the said counties to which they now respectively belong, and declare them to be formed into a new county under the name of the County of Lansdowne, for all judicial and municipal purposes, and also for registry purposes, unless proclamation in that behalf has previously issued under the provisions of this Act, but until the issue of such proclamation, the said towns, villages and townships shall remain as at present connected with the counties of which they respectively form a part for all such purposes.
7. The Provisional Council aforesaid shall, prior to such proclamation, have only the powers specially given to it by the preceding sections of this Act.

8. After such proclamation the Provisional Council shall and may have and exercise all the rights, powers, privileges and duties conferred on provisional municipal councils by law; and the provisions of any law in force in this Province in any
 5 wise affecting or relating to the proceedings consequent upon the dissolution of the union of counties shall apply, so far as applicable, to the separation of the towns, villages and townships aforesaid from the respective counties of which they have heretofore formed part, and the erection thereof into a
 10 new county.

Powers after
proclamation.

9. After such proclamation, the law in force respecting municipal institutions of this Province, shall, as far as they are applicable and not inconsistent with this Act, apply to the County of Lansdowne.

Municipal
Institutions
Act to apply.

15 10. After such proclamation, the corporations of Minto, Arthur Township, Maryboro', West Luther, Palmerston, Arthur Village, Clifford and Drayton, shall respectively pay to the County of Wellington, and the corporation of Wallace shall
 20 pay to the County of Perth, and the corporations of Howick, and Wroxeter shall, respectively, pay to the County of Huron, such proportion of the then outstanding debt of the Counties of Wellington, Perth, and Huron respectively, and in such manner as may be determined under the said *Consolidated Municipal Act, 1883*; and the respective corporations of the
 25 said towns, villages and townships shall, respectively receive from the county corporations, from which they are respectively separated, a just proportion of the assets of said counties.

Apportion-
ments of the
debts of the
municipali-
ties.

11. In case a majority of the votes cast at the polling provided for in section 3 of this Act are recorded in favour of the
 30 formation of such new county, the Lieutenant-Governor in Council may, by an Order in Council, cause to be issued a proclamation, and thereby set apart and establish a registry office for the said county so to be erected as aforesaid.

Registry
office.

No. 43.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to separate certain Municipalities from the Counties of Wellington, Perth and Huron, and to erect the same into the County of Lansdowne.

First Reading, 1886.

(Private Bill.)

Mr.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act relating to the Municipality of Neebing.

WHEREAS the corporation and the ratepayers of the Municipality of Neebing have petitioned for an Act bringing the said municipality within *The Municipal Act* and *The Assessment Act*, and legalizing the assessments heretofore made in the said municipality, and authorizing the sale of land in the said municipality for arrears of taxes under the said assessments; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The said municipality, from and after the passing of this Act, shall be governed by the provisions of *The Municipal Act* and *The Assessment Act* of Ontario as fully as if no special Act had been passed relating to the said Municipality of Neebing; and all provisions of the Act passed in the 44th year of Her Majesty's reign, chapter 43, and of the Acts amending the same, which are inconsistent or at variance with the said Municipal Act and Assessment Act, are hereby repealed: provided nothing herein contained shall have the effect of annulling or rendering illegal any past act of the said Corporation of the Municipality of Neebing.

Municipal and Assessment Acts to apply to municipality.

2. All assessments heretofore made by the said corporation are hereby declared valid and binding.

Assessments confirmed.

3. The said corporation is hereby authorized to sell lands for overdue taxes under the said assessments, and to carry out said sales as if this Act had not been passed.

Sales of lands for taxes.

4. The following property in the said municipality shall be exempt from municipal taxation, namely: mills and establishments for mining, crushing, concentrating, smelting, extracting or treating gold or silver, copper, lead or other ores or metals, and saw-mills, grist-mills and planing-mills, and the machinery and plant thereof; but income derived from, and dividends payable to shareholders in respect of such mills and establishments shall be liable to taxation.

Exemptions from taxation.

5. In addition to the powers of a township council, the said municipality and the council thereof shall possess all the rights and powers, both of a township and county council in all matters respecting public schools and public roads and bridges.

Powers respecting schools, roads and bridges.

No. 44.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act relating to the Municipality of
Neebing.

First Reading,	1886.
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(Private Bill.)

Mr. CONMEE.



TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act relating to the Municipality of Neebing.

- W**HEREAS the corporation and the ratepayers of the Municipality of Neebing have petitioned for an Act bringing the said municipality within *The Municipal Act* and *The Assessment Act*, and legalizing the assessments heretofore made in the said municipality, and authorizing the sale of land in the said municipality for arrears of taxes under the said assessments *and for other purposes*; and whereas it is expedient to grant the prayer of the said petition;
- Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—
1. *Except as hereinafter mentioned* the said municipality, from and after the passing of this Act, shall be governed by the provisions of *The Municipal Act* and *The Assessment Act* of Ontario as fully as if no special Act had been passed relating to the said Municipality of Neebing; and all provisions of the Act passed in the 44th year of Her Majesty's reign, chapter 43, and of the Acts amending the same, which are inconsistent or at variance with the said Municipal Act and Assessment Act, are hereby repealed: provided nothing herein contained shall have the effect of annulling or rendering illegal any past act of the said Corporation of the Municipality of Neebing. Preamble.
Municipal and Assessment Acts to apply to municipality.
 2. All assessments heretofore made by the said corporation are hereby declared valid and binding. Assessments confirmed.
 - 3.—(1) All taxes except for debenture debt levied in any township of the said municipality shall, excepting ten per centum thereof, and the expenses of collection, be expended within the township in which the same are levied, on roads, bridges, and other works of the same kind, necessary for opening up and settling the said township. Expenditure and debenture debt provided for.
 - (2) The council of the said municipality shall be at liberty to retain and appropriate for the general and other expenses of said municipality the reservation of ten per centum and the expense of collection. Ten per cent. to be for general expenses.
 4. No liability extending over a term of years shall be incurred, and no bonus shall be granted by the said municipality to any railway, or other project or purpose, without the assent of the majority of duly qualified ratepayers, in each individual township, provided always, that nothing herein contained, shall Liability not to be incurred without assent of ratepayers.

Individual townships may incur liability.

prevent any individual township from *incurring* such liability on its own behalf,  pursuant to the provisions of any general law in that behalf. 

First election, new council.

5. The first election under this Act shall take place on the the first Monday in June, and the nomination shall be held on 5 the preceding Monday, and the new council, which shall consist of one reeve, and four councillors, who shall be elected by general vote, shall hold office from the 1st day of July following, and continue in office until their successors are elected in the January next following. 10

Present school board cease to exist on 30th June next.

6. The school board now existing in the said municipality, shall cease to exist on the 30th day of June next, and from and after that date each township composing the said municipality shall constitute a school section.

Debenture holders protected.

7. Nothing in this Act shall affect the rights of the holders 15 of debentures now in existence.

Townships comprising Neebing.

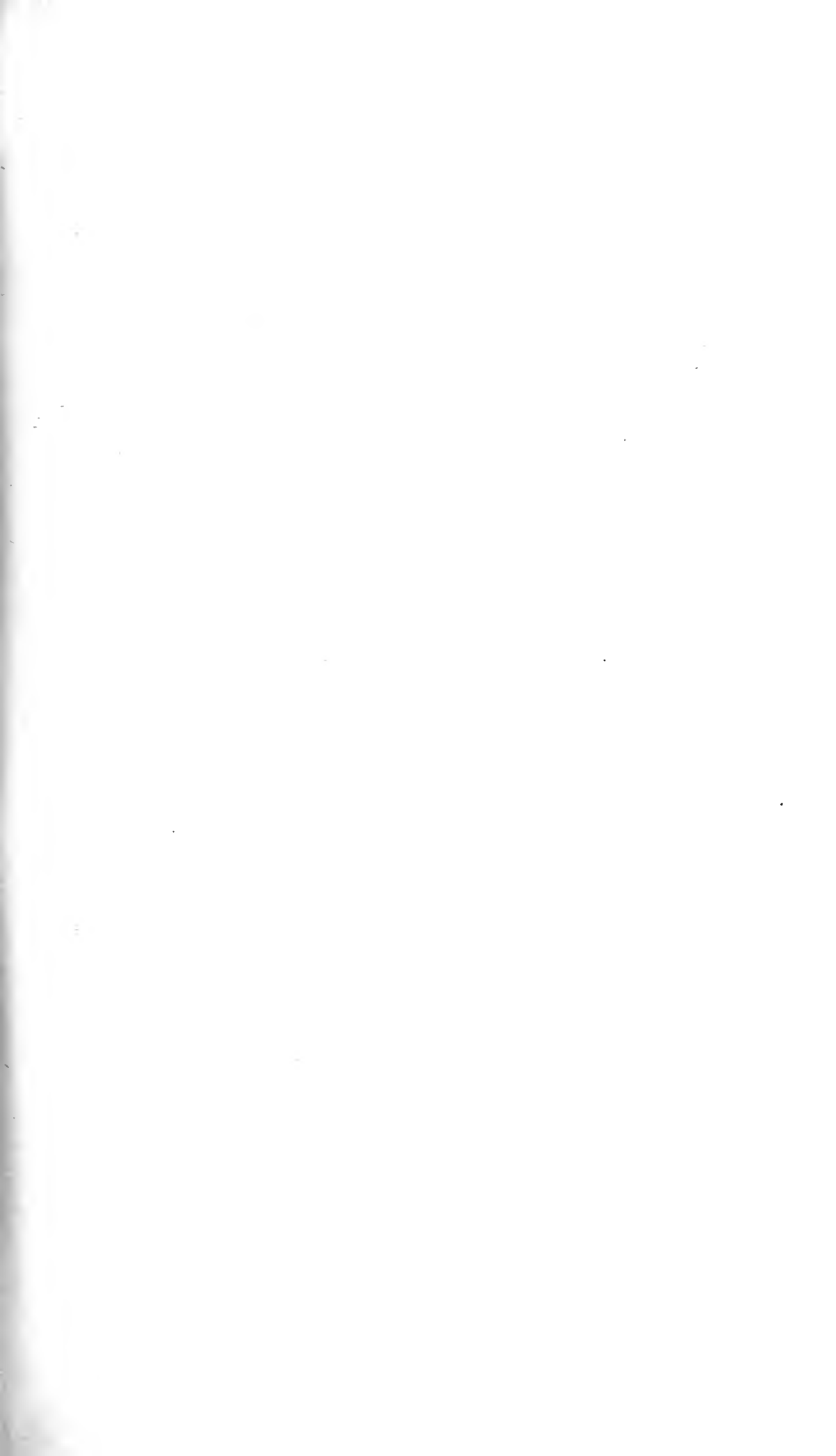
8. The Municipality of Neebing consists of the Townships of Blake, Crooks, Pardee, *Paipoonge*, Neebing, and the Ward of McKellar, and it is hereby declared, that all that part of the Municipality of Neebing, which composes the McKellar Ward, 20 shall for the purposes of this Act, be the Township of McKellar.

Sale for taxes.

9. Arrears of taxes due the Municipality of Neebing, shall be collected and managed in the same way as like arrears due to municipalities in counties, and the treasurer and reeve shall perform the like duties in the collection and management of 25 arrears for taxes, as in counties are performed by the treasurers and wardens thereof, and the various provisions of law relating to sales of land for arrears of taxes, or to deeds given therefor, shall, unless otherwise provided by this Act, apply to said municipality, and to sales of land therein for arrears of taxes 30 due thereon and to deeds given therefor.

Assessment and Court of Revision.

10. When the assessment for the year ending 30th June, 1886, of the said municipality is made, the rate struck thereon shall be for the eighteen months, ending December 31st, 1886, and the duties of the Court of Revision, shall be completed 35 and the rolls finally revised not later than the 1st day of September, 1886.



No. 44.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act relating to the Municipality of
Neebing.

*(Reprinted as amended by Private Bills
Committee.)*

First Reading, 17th February, 1886.

(Private Bill.)

Mr. CONNIE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act relating to the Municipality of Neebing.

WHEREAS the corporation and the ratepayers of the Municipality of Neebing have petitioned for an Act bringing the said municipality within *The Municipal Act* and *The Assessment Act*, and legalizing the assessments heretofore made in the said municipality, and authorizing the sale of land in the said municipality for arrears of taxes under the said assessments *and for other purposes*; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. *Except as hereinafter mentioned* the said municipality, from and after the passing of this Act, shall be governed by the provisions of *The Municipal Act* and *The Assessment Act* of Ontario as fully as if no special Act had been passed relating to the said Municipality of Neebing; and all provisions of the Act passed in the 44th year of Her Majesty's reign, chapter 43, and of the Acts amending the same, which are inconsistent or at variance with the said Municipal Act and Assessment Act, are hereby repealed: provided nothing herein contained shall have the effect of annulling or rendering illegal any past act of the said Corporation of the Municipality of Neebing.

2. All assessments heretofore made by the said corporation are hereby declared valid and binding.

3. The following property, in the said municipality, shall be exempt from municipal taxation for ten years, namely: mills and establishments for mining, crushing, concentrating, smelting, extracting or treating gold or silver, copper, lead or other ores or metals, and saw-mills, grist-mills and planing mills, and the machinery and plant thereof; but income derived from, and dividends payable to shareholders in respect of such mills and establishments shall be liable to taxation.

4.—(1) All taxes except for debenture debt levied in any township of the said municipality shall, excepting ten per centum thereof, and the expenses of collection, be expended within the township in which the same are levied, on roads, bridges, and other works of the same kind, necessary for opening up and settling the said township.

(2) The council of the said municipality shall be at liberty to retain and appropriate for the general and other expenses of

Preamble.

Municipal and Assessment Acts to apply to municipality.

Assessments confirmed.

Exemptions.

Expenditure and debenture debt provided for.

Ten per cent. to be for general expenses.

said municipality the reservation of ten per centum and the expense of collection.

Liability
not to be in-
curred without
assent of
ratepayers.

Individual
townships
may incur
liability.

First election,
new council.

Present school
board to cease
to exist on 30th
June next.

Debenture
holders pro-
tected.

Townships
comprising
Neebing.

Sale for taxes.

Assessment
and Court of
Revision.

5. No liability extending over a term of years shall be incurred, and no bonus shall be granted by the said municipality to any railway, or other project or purpose, without the assent of the majority of duly qualified ratepayers, in each individual township, provided always, that nothing herein contained, shall prevent any individual township from *incurring* such liability on its own behalf, pursuant to the provisions of any general law in that behalf. 5 10

6. The first election under this Act shall take place on the first Monday in June, and the nomination shall be held on the preceding Monday, and the new council, which shall consist of one reeve, and four councillors, who shall be elected by general vote, shall hold office from the 1st day of July following, and continue in office until their successors are elected in the January next following. 15

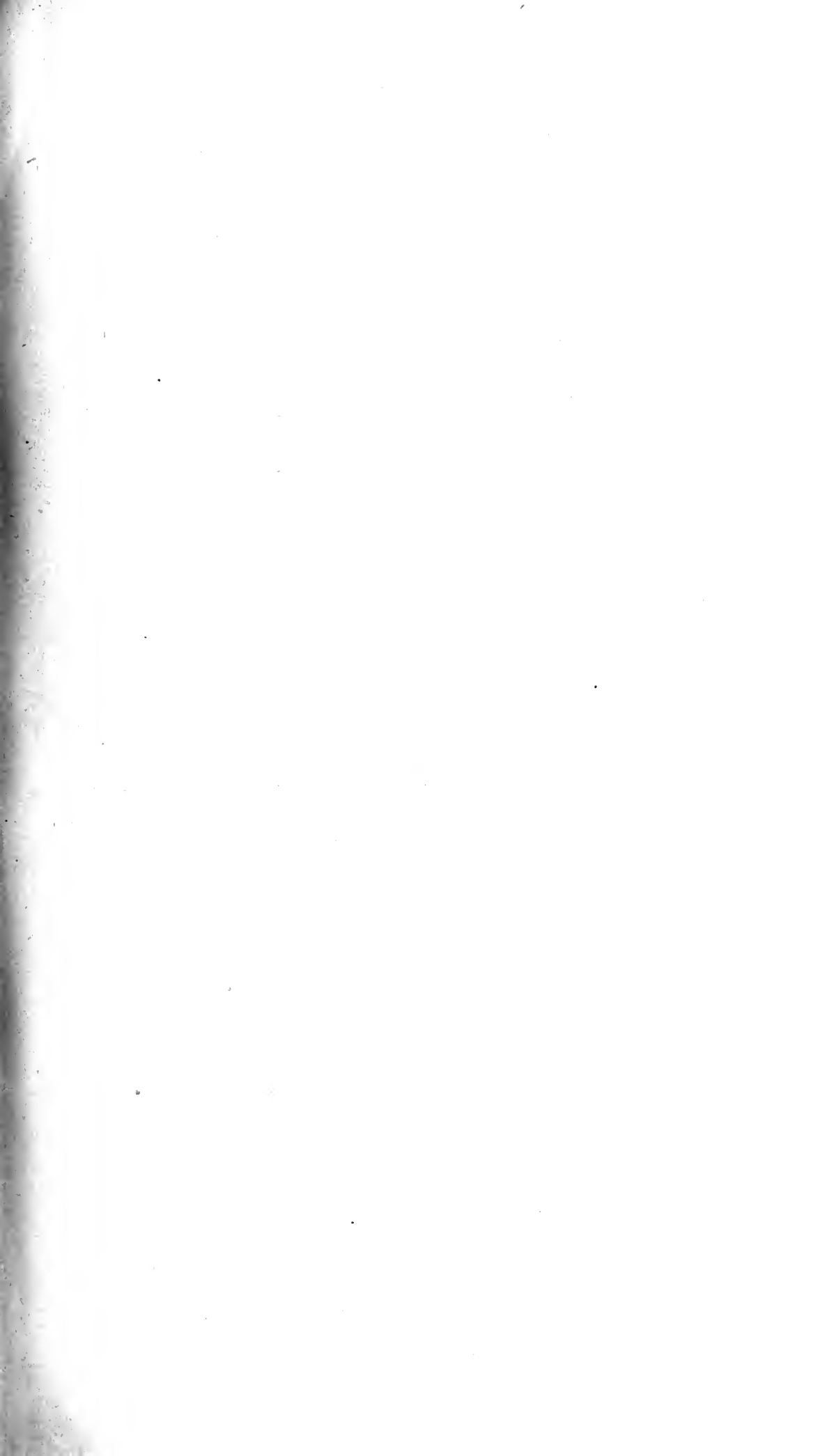
7. The school board now existing in the said municipality shall cease to exist on the 30th day of June next, and from and after that date each township composing the said municipality shall constitute a school section. 20

8. Nothing in this Act shall affect the rights of the holders of debentures now in existence.

9. The Municipality of Neebing consists of the Townships of Blake, Crooks, Pardee, *Paipoonge*, Neebing, and the Ward of McKellar, and it is hereby declared, that all that part of the Municipality of Neebing, which composes the McKellar Ward, shall for the purposes of this Act, be the Township of McKellar, but shall, nevertheless, be attached to and form part of the Township of Neebing for school purposes. 25 30

10. Arrears of taxes due to the Municipality of Neebing, shall be collected and managed in the same way as like arrears due to municipalities in counties, and the treasurer and reeve shall perform the like duties in the collection and management of arrears for taxes, as in counties are performed by the treasurers and wardens thereof, and the various provisions of law relating to sales of land for arrears of taxes, or to deeds given therefor, shall, unless otherwise provided by this Act, apply to said municipality, and to sales of land therein for arrears of taxes due thereon and to deeds given therefor. 35 40

11. When the assessment for the year ending 30th June, 1886, of the said municipality is made, the rate struck thereon shall be for the eighteen months, ending December 31st, 1886, and the duties of the Court of Revision, shall be completed and the rolls finally revised not later than the 1st day of September, 1886. 45



3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act relating to the Municipality of
Needing.

*(Reprinted as amended by Committee of
the Whole House.)*

First Reading,	17th February,	1886.
Second "	8th March,	1886.

(Private Bill)

Mr. CONNELL

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to secure Compensation to Workmen in certain cases.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. This Act may be known and cited as "*The Workmen's compensation for injuries Act, 1886.*" Short title.

2. Unless otherwise declared or indicated by the context, wherever any of the following words or expressions occur in this Act, they shall have the meanings hereinafter expressed, that is to say : Interpretation.

10 (1) The expression "person who has superintendence entrusted to him" means a person whose sole or principal duty is that of superintendence, and who is not ordinarily engaged in manual labour. "Person."

15 (2) The expression "employer" includes a body of persons corporate or unincorporate. "Employer."

(3) The expression "workman" does not include a domestic or menial servant, but, save as aforesaid, means any railway servant, and any person who being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one years, or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour. "Workman."

(4) The word "packing" shall mean a packing of wood or metal, or some other equally substantial and solid material, of not less than two inches in thickness, and which, where filled in, shall extend to within one and a-half inches of the crown of the rails in use on any railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid. "Packing."

3. Where, after the commencement of this Act, personal injury is caused to a workman— When workman to have claim against employer.

35 (1) By reason of any defect in the condition of the ways, works, machinery or plant connected with or used in the business of the employer ; or

(2) By reason of the negligence of any person in the service of the employer who has any superintendence

entrusted to him whilst in the exercise of such superintendence ; or

(3) By reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform and did conform, where such injury resulted from his having so conformed ; or 5

(4) By reason of the act or omission of any person in the service of the employer done or made in obedience to the rules or by-laws of the employer, or in obedience to particular instructions given by any person delegated with the authority of the employer in that behalf ; or 10

(5) By reason of the negligence of any person in the service of the employer who has the charge or control of any signal points, locomotive, engine, or train upon a railway ; 15

the workman, or, in case the injury results in death, the legal personal representatives of the workman, and any persons entitled in case of death, shall have the same right of compensation and remedies against the employer as if the workman had not been a workman of, nor in the service of the employer, nor engaged in his work. 20

Injuries by
railways.

4. Where within this Province personal injury is caused to a workman employed on or about any railway,

(1) By reason of the lower beams or members of the superstructure of any highway, or other overhead bridge, or any other erection or structure over said railway, not being of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then running on such railway, and the bottom of such lower beams or members ; or, 25

(2) By reason of the space between the rails in any railway frog, extending from the point of such frog backward to where the heads of such rails are not less than five inches apart, not being filled in with packing ; or, 30

(3) By reason of the space between any wing-rail and any railway frog, and between any guard-rail and any other rail fixed and used alongside thereof as aforesaid, and between all wing-rails where no other rail intervenes, (save only where the space between the heads of any such wing-rail and railway frog as aforesaid, or between the heads of any such guard-rail and any other rail fixed and used alongside thereof as aforesaid, or between the heads of any such wing-rails where no other rail intervenes as aforesaid, is either less than one and three-quarters of an inch or more than five inches in width), not being at all times during every month of April, May, June, July, August, September and October, filled in with packing ; or, 40 45 50

(4) By reason of the running-boards on the roof of any box car used for freighting purposes on any such railway not being of a sufficient thickness and strength, and at least thirty inches in width, and with proper and safe supports extending the whole length of such car and beyond the end thereof to a point not more than two inches less than that to which the dead-wood or bumpers at each end of such car shall then be likewise extending;

10 such injury shall be deemed and taken to have been caused by reason of a defect within the meaning of sub-section 1 of section 3 of this Act. But nothing in this section contained shall be taken or construed, as in any respect, or for any purpose restricting the meaning of said sub-section.

15 **5.** A workman shall not be entitled under this Act to any right of compensation or remedy against the employer in any of the following cases, that is to say : Exceptions to preceding provisions.

(1) Under sub-section 1 of section 3, unless the defect therein mentioned arose from or had not been discovered or remedied owing to the negligence of the employer or of some person in the service of the employer, and entrusted by him with the duty of seeing that the ways, works, machinery or plant were in proper condition.

(2) Under sub-section 4 of section 3, unless the injury resulted from some impropriety or defect in the rules, by-laws, or instructions therein mentioned ; provided, that where a rule or by-law has been approved, or has been accepted as a proper rule or by-law, either by the Lieutenant-Governor in Council, or under and pursuant to any provision in that behalf of any Act of the Legislature of Ontario, or of the Parliament of Canada, it shall not be deemed for the purposes of this Act to be an improper or defective rule or by-law.

(3) In any case where the workman knew of the defect or negligence which caused his injury, and failed within a reasonable time to give or cause to be given information thereof to the employer or some person superior to himself in the service of the employer, unless he was aware that the employer or such superior already knew of the said defect or negligence.

6. The amount of compensation recoverable under this Act shall not exceed such sum as may be found to be equivalent to the estimated earnings, during the three years preceding the injury of a person in the same grade employed during those years in the like employment within this province. Limit of amount of compensation.

7. An action for the recovery under this Act of compensation for an injury shall not be maintainable unless notice that injury has been sustained is given within twelve weeks, and the action is commenced within six months from the occurrence of the accident causing the injury, or in case of death within twelve months from the time of death ; provided always that in case of death the want of such notice shall be no bar to the maintenance of such action, if the judge shall be of opinion that there was reasonable excuse for such want of notice. Limit of time for recovery of compensation.

Contract by
workman not
to constitute a
defence to
actions for
compensation.

8. No contract or agreement made or entered into by a workman shall be a bar or constitute any defence to an action for the recovery under this Act of compensation for any injury,

(1) Unless for such workman entering into or making such contract or agreement there was other consideration than that of his being taken into or continued in the employment of the defendant; nor

(2) Unless such other consideration was in the opinion of the court or judge before whom such action is tried, ample and adequate; nor

(3) Unless, in the opinion of said court or judge, such contract or agreement, in view of such other consideration was not on the part of the workman, improvident, but was just and reasonable; 15

and the burthen of proof in respect of such other consideration, and of the same being ample and adequate, as aforesaid, and that said contract was just and reasonable and was not improvident as aforesaid, shall, in all cases, rest upon the defendant.

Money payable under
penalty to be
deducted from
compensation.

9. There shall be deducted from any compensation awarded to any workman or representatives of a workman, or persons claiming by, under, or through a workman in respect of any cause of action arising under this Act, any penalty or damages, or part of a penalty or damages which may in pursuance of any other Act, either of the Parliament of Canada, or of the Legislature of Ontario, have been paid to such workman, representatives or persons in respect of the same cause of action; and where an action has been brought under this Act by any workman, or the representatives of any workman, or any persons claiming by, under, or through such workman, for compensation in respect of any cause of action arising under this Act, and payment has not previously been made of any penalty or damages, or part of a penalty or damages under any such Act, either of the said Parliament, or of the said Legislature, in respect of the same cause of action, such workman, representatives or person shall not, so far as the said Legislature has power so to enact, be entitled thereafter to receive in respect of the same cause of action, any such penalty or damages, or part of a penalty or damages, under any such last-mentioned Act. 40

Form and service of notice
of injury.

10.—(1) Notice in respect of an injury under this Act shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which it was sustained, and shall be served on the employer, or if there is more than one employer, upon one of such employers. 45

(2) The notice may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served.

(3) The notice may also be served by post, by a registered letter addressed to the person on whom it is to be served at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when a letter containing the same would be delivered in the ordinary 50

course of post, and in proving the service of such notice it shall be sufficient to prove that the notice was properly addressed and registered.

(4) Where the employer is a body of persons corporate or unincorporate the notice shall be served by delivering the same at or by sending it by post in a registered letter addressed to the office, or if there be more than one office, any one of the offices of such body.

(5) A notice under this section shall not be deemed invalid by reason of any defect or inaccuracy therein, unless the Judge who tries the action arising from the injury mentioned in the notice shall be of opinion that the defendant in the action is prejudiced in his defence by such defect or inaccuracy, and that the defect or inaccuracy was for the purpose of misleading.

(6) A notice under this section shall be deemed sufficient if in the form or to the effect following:—

To A. B., of (*here insert employer's address*)
or To the Company, (*or as the case may be.*)

Take notice, that on the day of 188 C. D., of (*insert address of injured person*) a workman in your employment sustained personal injury, (*add, of which he died, if such be the case,*) and that such injury was caused by (*state shortly the cause of injury, e.g., the fall of a beam.*)

(Date.)

Yours, etc.,

X. Y.

11. In any action brought under this Act the particulars of demand or statement of claim shall state in ordinary language the cause of the injury, and the date at which it was sustained, and the amount of compensation claimed; and where the action is brought by more than one plaintiff, the amount of compensation claimed by each plaintiff, and where the injury of which the plaintiff complains shall have arisen by reason of the negligence, act, or omission of any person in the service of the defendant, the particulars shall give the name and description of such person.

12.—(1) Upon the trial of any action for recovery of compensation under this Act before a Judge without a jury, one or more assessors may be appointed by the Court or Judge for the purpose of ascertaining the amount of compensation, and the remuneration (if any) to be paid to such assessors shall be fixed and determined by the Judge at the trial.

(2) Any person who shall, as hereinafter provided, be appointed to act as an assessor in such action, shall be qualified so to act.

(3) In any such action, a party who desires assessors to be appointed shall, ten clear days at least before the day for holding the Court at which the action is to be tried, file an application stating the number of assessors he proposes to be appointed, and the names, addresses and occupations of the persons who may have expressed their willingness in writing to act as assessors. If the applicant has obtained the consent of the other party to the persons named being appointed, he shall file such consent with his application.

(4) Where the application for the appointment of assessors has been made by one party to an action only, he shall, eight

clear days at least before the day for holding the Court at which the action is to be tried, serve a copy of the application, so filed, upon the other party, who may then either file an application for assessors, or file objections to one or more of the persons proposed. 5

(5) An application for the appointment of assessors may be in the form following, or to the like effect, namely:—

In the (*describing the Court*)

“The Workmen’s Compensation for Injuries Act, 1886.”

BETWEEN,

Plaintiff, 10
Defendant.

The plaintiff (*or* defendant) applies to have an assessor (*or* assessors) appointed to assist the Court in ascertaining the amount of compensation to be awarded to the plaintiff, should the judgment be in his favour, and he submits the names of the following persons, who have expressed their 15 willingness in writing to act as assessors should they be appointed.

(*Here set out the names, addresses and occupations of the persons above referred to.*)

(*If the other party consents to the appointment add the following*):—

The defendant (*or* plaintiff) consents to the appointment of any of 20 the persons above named to act as assessors in this action, as appears by his consent thereto filed herewith.

Dated this day of

A. B.

The above named plaintiff, (*or as the case may be.*) 25

(5) Where separate applications are filed by the parties, no objection to the persons proposed shall be made by either party, but the Court or Judge may appoint from the persons named in each application one or more assessor or assessors, provided that the same number of assessors be appointed from 30 the names given in such applications respectively.

(6) In any such action brought in a Division Court the applications for the appointment of assessors, together with any objections made to the persons proposed, shall be forwarded by the clerk of the Court to the Judge. 35

(7) Where application for the appointment of assessor is granted, the Court or Judge shall appoint such of the persons proposed for assessors as by the Court or Judge may be deemed fit, subject to the provisions contained in this Act.

(8) In any such action where an application for the appoint- 30 ment of assessors has been filed, the Court or Judge may, at any time prior to the trial thereof, nominate one or more additional persons to act as assessors in the action. Where no application for assessors has been made, the Court or Judge may appoint any one or more persons to act as assessor or 35 assessors in the action before or on the trial of the action.

(9) If at the time and place appointed for the trial all or any of the assessors appointed shall not attend, the Court or Judge may either proceed to try the action with the assistance of such of the assessors, if any, as shall attend, or may adjourn the 40 trial generally, or upon any terms which the Court or Judge may think fit, or may appoint any persons who may be available and who is willing to act, and who is not objected to, or who, if objected to on some insufficient grounds, or the Court or Judge may try the actions without assessors. 45

(10) Every person requiring the Court or Judge to be assisted by assessors shall at the time of filing his application deposit therewith the sum of ten dollars for each assessor proposed, and such payments shall be considered as costs in the action, unless otherwise ordered by the Court or Judge: Provided, that where a person proposed as an assessor shall have in writing agreed and consented that he will not require his remuneration to be so deposited, no deposit in respect of such person shall be required.

10 (11) Where an action shall be tried by the Court or Judge with the assistance of any assessors in addition to or independently of any assessors proposed by the parties, the remuneration of such assessors shall be borne by the parties, or either of them, as the Judge or Court shall direct.

15 (12) If after an assessor has been appointed the action shall not be tried, the Court or Judge shall have power to make an allowance to him in respect of any expense or trouble which he may have incurred by reason of his appointment, and direct the payment to be made out of any sum deposited for his
20 remuneration.

(13) The assessors shall sit with and assist the Court or Judge when required with their opinion and special knowledge for the purpose of ascertaining the amount of compensation, if any, which the plaintiff shall be entitled to recover.

25 **13.**—(1) Where several actions shall be brought under this Act against a defendant in the same Court in respect of the same negligence, act or omission, the defendant shall be at liberty to apply to the Judge that the said actions shall be consolidated.
of actions.

30 (2) Applications for consolidation of actions shall be made upon notice to the plaintiffs affected by such consolidation.

(3) In case several actions shall be brought under this Act against a defendant in the same Court in respect of the same negligence, act or omission, the defendant may, on filing an
35 undertaking to be bound so far as his liability for such negligence, act or omission is concerned by the decision in such one of the said actions as may be selected by the Court or Judge, apply to the Court or Judge for an order to stay the proceedings in the actions other than in the one so selected,
40 until judgment is given in such selected action.

(4) Applications for stay of proceedings shall be made upon notice to the plaintiffs affected by stay of proceedings or *ex parte*.

(5) Upon the hearing of any application for consolidation
45 of actions or for stay of proceedings, the Court or Judge shall have power to impose such terms and conditions and make such order in the matter as may be just.

(6) If any order shall be made by a Court or Judge upon an *ex parte* application to stay proceedings, it shall be competent
50 to the plaintiffs affected by such order to apply to the Court or Judge (as the case may be) upon notice or *ex parte*, to vary or discharge the order so made, and upon such last-mentioned application such order shall be made as the Court or Judge

shall think fit, and the Court or Judge shall have power to dispose of the costs occasioned by such order or orders as may be deemed right.

(7) In case a verdict in the selected action shall be given against the defendant, the plaintiffs in the actions stayed shall be at liberty to proceed for the purpose of ascertaining and recovering their damages and costs. 5

(8) A defendant may by notice to the opposite party to be given or served at least six days before the day appointed for the trial of the action, admit the truth of any statement of his liability for any alleged negligence, act or omission as set forth or contained in the plaintiff's statement or particulars of claim in the action, and after such notice given the plaintiff shall not be allowed any expense thereafter incurred for the purpose of proving the matters so admitted. 10 15

(9) Where two or more persons are joined as plaintiffs under sub-section 1 of this section, and the negligence, act or omission which is the cause of action shall be proved, the judgment shall be for all the plaintiffs, but the amount of compensation, if any, that each plaintiff is entitled to shall be separately found and set forth in the judgment, and the amount of costs awarded in the action shall be ordered to be paid to such person, and in such manner as the Court or Judge may think fit; should the defendant fail to pay the several amounts of compensation and the costs awarded in the action, execution may issue as in an ordinary action, and should the proceeds of the execution be insufficient, after deducting all costs, to pay the whole of the amounts awarded, a dividend shall be paid to each plaintiff, calculated upon the proportion of the amount which shall have been awarded to the respective plaintiffs to the total amount realized after the deduction of all the costs of the action as aforesaid. 20 25 30

Computation
of time.

14. Where the time for doing any act, taking any proceeding, or giving any notice under or required by this Act expires on a Sunday such act, or proceeding, or notice shall, so far as regards the time of doing, taking or giving the same, be held to be duly and sufficiently done, taken or given, if done, taken or given, on the day next following such Sunday. 35

Forms and
rules.

15. In any action brought in any Court to recover compensation under this Act, the forms and methods, and the rules and orders in force in Court shall, subject to and save as otherwise provided by the terms and provisions of this Act, apply to and regulate all matters of pleading, practice and procedure in such action, and notwithstanding anything in this Act contained, the forms and method, and the pleadings, practice and procedure in any such action shall conform to and be regulated by any rules or orders in that behalf hereafter lawfully and duly made or prescribed with respect to actions brought in any such Court. 40 45

Commence-
ment of Act.

16. This Act shall not come into operation until the first day of which date is in this Act referred to as the commencement of this Act. 50

No. 45.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to secure Compensation to Workmen in certain cases.

First Reading, 3rd February, 1886.

MR. FRASER.

TORONTO

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An Act to secure Compensation to Workmen in certain cases.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. This Act may be known and cited as "*The Workmen's compensation for injuries Act, 1886.*" Short title.

2. Unless otherwise declared or indicated by the context, wherever any of the following words or expressions occur in this Act, they shall have the meanings hereinafter expressed, that is to say : Interpretation.

10 (1) The expression "person who has superintendence entrusted to him" means a person whose sole or principal duty is that of superintendence, and who is not ordinarily engaged in manual labour. "Person."

(2) The expression "employer" includes a body of persons corporate or unincorporate. "Employer."

(3) The expression "workman" does not include a domestic or menial servant, but, save as aforesaid, means any railway servant, and any person who being a labourer, servant in husbandry, journeyman, artificer, handicraftsman, miner, or otherwise engaged in manual labour, whether under the age of twenty-one years, or above that age, has entered into or works under a contract with an employer, whether the contract be made before or after the passing of this Act, be express or implied, oral or in writing, and be a contract of service or a contract personally to execute any work or labour. "Workman."

(4) The word "packing" shall mean a packing of wood or metal, or some other equally substantial and solid material, of not less than two inches in thickness, and which, where filled in, shall extend to within one and a-half inches of the crown of the rails in use on any railway, shall be neatly fitted so as to come against the web of such rails, and shall be well and solidly fastened to the ties on which such rails are laid. "Packing."

3. Where, after the commencement of this Act, personal injury is caused to a workman— When workman to have claim against employer.

35 (1) By reason of any defect in the condition of the ways, works, machinery or plant connected with or used in the business of the employer ; or

(2) By reason of the negligence of any person in the service of the employer who has any superintendence

entrusted to him whilst in the exercise of such superintendence ; or

(3) By reason of the negligence of any person in the service of the employer to whose orders or directions the workman at the time of the injury was bound to conform and did conform, where such injury resulted from his having so conformed ; or 5

(4) By reason of the act or omission of any person in the service of the employer done or made in obedience to the rules or by-laws of the employer, or in obedience to particular instructions given by any person delegated with the authority of the employer in that behalf ; or 10

(5) By reason of the negligence of any person in the service of the employer who has the charge or control of any signal-points, locomotive, engine, or train upon a railway ; 15

the workman, or, in case the injury results in death, the legal personal representatives of the workman, and any persons entitled in case of death, shall have the same right of compensation and remedies against the employer as if the workman had not been a workman of, nor in the service of the employer, nor engaged in his work. 25

Injuries by
railway .

4. Where within this Province personal injury is caused to a workman employed on or about any railway,

(1) By reason of the lower beams or members of the superstructure of any highway, or other overhead bridge, or any other erection or structure over said railway, not being of a sufficient height from the surface of the rails to admit of an open and clear headway of at least seven feet between the top of the highest freight cars then running on such railway, and the bottom of such lower beams or members ; or, 30

(2) By reason of the space between the rails in any railway frog, extending from the point of such frog backward to where the heads of such rails are not less than five inches apart, not being filled in with packing ; or, 40

(3) By reason of the space between any wing-rail and any railway frog, and between any guard-rail and any other rail fixed and used alongside thereof as aforesaid, and between all wing-rails where no other rail intervenes, (save only where the space between the heads of any such wing-rail and railway frog as aforesaid, or between the heads of any such guard-rail and any other rail fixed and used alongside thereof as aforesaid, or between the heads of any such wing-rails where no other rail intervenes as aforesaid, is either less than one and three-quarters of an inch or more than five inches width), not being at all times during every month of April, May, June, July, August, September and October, filled in with packing ; 45 50

such injury shall be deemed and taken to have been caused by reason of a defect within the meaning of sub-section 1 of section 3 of this Act. But nothing in this section contained shall be taken or construed, as in any respect, or for any purpose restricting the meaning of said sub-section.

5. A workman shall not be entitled under this Act to any right of compensation or remedy against the employer in any of the following cases, that is to say :

Exceptions to preceding provisions.

(1) Under sub-section 1 of section 3, unless the defect therein mentioned arose from or had not been discovered or remedied owing to the negligence of the employer or of some person in the service of the employer, and entrusted by him with the duty of seeing that the ways, works, machinery or plant were in proper condition.

(2) Under sub-section 4 of section 3, unless the injury resulted from some impropriety or defect in the rules, by-laws, or instructions therein mentioned ; provided, that where a rule or by-law has been approved, or has been accepted as a proper rule or by-law, either by the Lieutenant-Governor in Council, or under and pursuant to any provision in that behalf of any Act of the Legislature of Ontario, or of the Parliament of Canada, it shall not be deemed for the purposes of this Act to be an improper or defective rule or by-law.

(3) In any case where the workman knew of the defect or negligence which caused his injury, and failed within a reasonable time to give or cause to be given information thereof to the employer or some person superior to himself in the service of the employer, unless he was aware that the employer or such superior already knew of the said defect or negligence.

6. The amount of compensation recoverable under this Act shall not exceed such sum as may be found to be equivalent to the estimated earnings, during the three years preceding the injury of a person in the same grade employed during those years in the like employment within this province ; and such compensation shall not be subject to any deduction or abatement, by reason, or on account, or in respect of any matter or thing whatsoever, save such as is specially provided for in section 9 of this Act.

Limit of amount of compensation

7. An action for the recovery under this Act of compensation for an injury shall not be maintainable unless notice that injury has been sustained is given within twelve weeks, and the action is commenced within six months from the occurrence of the accident causing the injury, or in case of death within twelve months from the time of death ; provided always that in case of death the want of such notice shall be no bar to the maintenance of such action, if the judge shall be of opinion that there was reasonable excuse for such want of notice.

Limit of time for recovery of compensation.

8. No contract or agreement made or entered into by a workman shall be a bar or constitute any defence to an action for the recovery under this Act of compensation for any injury,

Contract by workman not to constitute a defence to actions for compensation.

(1) Unless for such workman entering into or making such contract or agreement there was other consideration than that of his being taken into or

continued in the employment of the defendant;
nor

(2) Unless such other consideration was in the opinion of the court or judge before whom such action is tried, ample and adequate; nor

(3) Unless, in the opinion of said court or judge, such contract or agreement, in view of such other consideration was not on the part of the workman, provident, but was just and reasonable;

and the burthen of proof in respect of such other consideration, and of the same being ample and adequate, as aforesaid, and that said contract was just and reasonable and was not improvident as aforesaid, shall, in all cases, rest upon the defendant; ~~and~~ provided always that notwithstanding anything in this section contained, no contract or agreement whatsoever made or entered into by a workman shall be a bar or constitute any defence to an action for the recovery under this Act of compensation for any injury happening or caused by reason of any of the matters mentioned in section 4 of this Act.

Money payable under penalty to be deducted from compensation.

9. There shall be deducted from any compensation awarded to any workman or representatives of a workman, or persons claiming by, under, or through a workman in respect of any cause of action arising under this Act, any penalty or damages, or part of a penalty or damages which may in pursuance of any other Act, either of the Parliament of Canada, or of the Legislature of Ontario, have been paid to such workman, representatives or persons in respect of the same cause of action; and where an action has been brought under this Act by any workman, or the representatives of any workman, or any persons claiming by, under, or through such workman, for compensation in respect of any cause of action arising under this Act, and payment has not previously been made of any penalty or damages, or part of a penalty or damages under any such Act, either of the said Parliament, or of the said Legislature, in respect of the same cause of action, such workman, representatives or person shall not, so far as the said Legislature has power so to enact, be entitled thereafter to receive in respect of the same cause of action, any such penalty or damages, or part of a penalty or damages, under any such last-mentioned Act.

Form and service of notice of injury.

10.—(1) Notice in respect of an injury under this Act shall give the name and address of the person injured, and shall state in ordinary language the cause of the injury and the date at which it was sustained, and shall be served on the employer, or if there is more than one employer, upon one of such employers.

(2) The notice may be served by delivering the same to or at the residence or place of business of the person on whom it is to be served.

(3) The notice may also be served by post, by a registered letter addressed to the person on whom it is to be served at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when a letter containing the same would be delivered in the ordinary

course of post, and in proving the service of such notice it shall be sufficient to prove that the notice was properly addressed and registered.

(4) Where the employer is a body of persons corporate or unincorporate the notice shall be served by delivering the same at or by sending it by post in a registered letter addressed to the office, or if there be more than one office, any one of the offices of such body.

(5) A notice under this section shall not be deemed invalid by reason of any defect or inaccuracy therein, unless the Judge who tries the action arising from the injury mentioned in the notice shall be of opinion that the defendant in the action is prejudiced in his defence by such defect or inaccuracy, and that the defect or inaccuracy was for the purpose of misleading.

(6) A notice under this section shall be deemed sufficient if in the form or to the effect following:—

To A. B., of (*here insert employer's address*)
or To the Company, (*or as the case may be.*)
Take notice, that on the day of 188 C. D., of (*insert address of injured person*) a workman in your employment sustained personal injury, (*add, of which he died, if such be the case,*) and that such injury was caused by (*state shortly the cause of injury, e.g., the fall of a beam.*)

(Date.)

Yours, etc.,

X. Y.

11. In any action brought under this Act the particulars of demand or statement of claim shall state in ordinary language the cause of the injury, and the date at which it was sustained, and the amount of compensation claimed; and where the action is brought by more than one plaintiff, the amount of compensation claimed by each plaintiff, and where the injury of which the plaintiff complains shall have arisen by reason of the negligence, act, or omission of any person in the service of the defendant, the particulars shall give the name and description of such person.

12.—(1) Upon the trial of any action for recovery of compensation under this Act before a Judge without a jury, one or more assessors may be appointed by the Court or Judge for the purpose of ascertaining the amount of compensation, and the remuneration (if any) to be paid to such assessors shall be fixed and determined by the Judge at the trial.

(2) Any person who shall, as hereinafter provided, be appointed to act as an assessor in such action, shall be qualified so to act.

(3) In any such action, a party who desires assessors to be appointed shall, ten clear days at least before the day for holding the Court at which the action is to be tried, file an application stating the number of assessors he proposes to be appointed, and the names, addresses and occupations of the persons who may have expressed their willingness in writing to act as assessors. If the applicant has obtained the consent of the other party to the persons named being appointed, he shall file such consent with his application.

(4) Where the application for the appointment of assessors has been made by one party to an action only, he shall, eight

clear days at least before the day for holding the Court at which the action is to be tried, serve a copy of the application, so filed, upon the other party, who may then either file an application for assessors, or file objections to one or more of the persons proposed.

5

(5) An application for the appointment of assessors may be in the form following, or to the like effect, namely :—

In the (*describing the Court*)

“The Workmen’s Compensation for Injuries Act, 1886.”

BETWEEN,

Plaintiff,
Defendant.

The plaintiff (*or defendant*) applies to have an assessor (*or assessors*) appointed to assist the Court in ascertaining the amount of compensation to be awarded to the plaintiff, should the judgment be in his favour, and he submits the names of the following persons, who have expressed their willingness in writing to act as assessors should they be appointed.

(*Here set out the names, addresses and occupations of the persons above referred to.*)

(*If the other party consents to the appointment add the following*):—

The defendant (*or plaintiff*) consents to the appointment of any of the persons above named to act as assessors in this action, as appears by his consent thereto filed herewith.

Dated this day of

A. B.

The above named plaintiff, (*or as the case may be.*)

(5) Where separate applications are filed by the parties, no objection to the persons proposed shall be made by either party, but the Court or Judge may appoint from the persons 10 named in each application one or more assessor or assessors, provided that the same number of assessors be appointed from the names given in such applications respectively.

(6) In any such action brought in a Division Court the applications for the appointment of assessors, together with 15 any objections made to the persons proposed, shall be forwarded by the clerk of the Court to the Judge.

(7) Where application for the appointment of assessors is granted, the Court or Judge shall appoint such of the persons proposed for assessors as by the Court or Judge may be deemed 20 fit, subject to the provisions contained in this Act.

(8) In any such action where an application for the appointment of assessors has been filed, the Court or Judge may, at any time prior to the trial thereof, nominate one or more additional persons to act as assessors in the action. Where no 25 application for assessors has been made, the Court or Judge may appoint any one or more persons to act as assessor or assessors in the action before or on the trial of the action.

(9) If at the time and place appointed for the trial all or any of the assessors appointed shall not attend, the Court or Judge 30 may either proceed to try the action with the assistance of such of the assessors, if any, as shall attend, or may adjourn the trial generally, or upon any terms which the Court or Judge may think fit, or may appoint any persons who may be available and who is willing to act, and who is not objected to, or 35 who, if objected to on some insufficient grounds, or the Court or Judge may try the actions without assessors.

- (10) Every person requiring the Court or Judge to be assisted by assessors shall at the time of filing his application deposit therewith the sum of four dollars for each assessor proposed, and such payments shall be considered as costs in the action, unless otherwise ordered by the Court or Judge: Provided, that where a person proposed as an assessor shall have in writing agreed and consented that he will not require his remuneration to be so deposited, no deposit in respect of such person shall be required.
- 10 (11) Where an action shall be tried by the Court or Judge with the assistance of any assessors in addition to or independently of any assessors proposed by the parties, the remuneration of such assessors shall be borne by the parties, or either of them, as the Judge or Court shall direct.
- 15 (12) If after an assessor has been appointed the action shall not be tried, the Court or Judge shall have power to make an allowance to him in respect of any expense or trouble which he may have incurred by reason of his appointment, and direct the payment to be made out of any sum deposited for his
20 remuneration.
- (13) The assessors shall sit with and assist the Court or Judge when required with their opinion and special knowledge for the purpose of ascertaining the amount of compensation, if any, which the plaintiff shall be entitled to recover.
- 25 **13.—**(1) Where several actions shall be brought under this Act against a defendant in the same Court in respect of the same negligence, act or omission, the defendant shall be at liberty to apply to the Judge that the said actions shall be consolidated. Consolidation
of actions.
- 30 (2) Applications for consolidation of actions shall be made upon notice to the plaintiffs affected by such consolidation.
- (3) In case several actions shall be brought under this Act against a defendant in the same Court in respect of the same negligence, act or omission, the defendant may, on filing an
35 undertaking to be bound so far as his liability for such negligence, act or omission is concerned by the decision in such one of the said actions as may be selected by the Court or Judge, apply to the Court or Judge for an order to stay the proceedings in the actions other than in the one so selected,
40 until judgment is given in such selected action.
- (4) Applications for stay of proceedings shall be made upon notice to the plaintiffs affected by stay of proceedings or *ex parte*.
- (5) Upon the hearing of any application for consolidation
45 of actions or for stay of proceedings, the Court or Judge shall have power to impose such terms and conditions and make such order in the matter as may be just.
- (6) If any order shall be made by a Court or Judge upon an *ex parte* application to stay proceedings, it shall be competent
50 to the plaintiffs affected by such order to apply to the Court or Judge (as the case may be) upon notice or *ex parte*, to vary or discharge the order so made, and upon such last-mentioned application such order shall be made as the Court or Judge

shall think fit, and the Court or Judge shall have power to dispose of the costs occasioned by such order or orders as may be deemed right.

(7) In case a verdict in the selected action shall be given against the defendant, the plaintiffs in the actions stayed shall be at liberty to proceed for the purpose of ascertaining and recovering their damages and costs. 5

(8) A defendant may by notice to the opposite party to be given or served at least six days before the day appointed for the trial of the action, admit the truth of any statement of his liability for any alleged negligence, act or omission as set forth or contained in the plaintiff's statement or particulars of claim in the action, and after such notice given the plaintiff shall not be allowed any expense thereafter incurred for the purpose of proving the matters so admitted. 15

(9) Where two or more persons are joined as plaintiffs under sub-section 1 of this section, and the negligence, act or omission which is the cause of action shall be proved, the judgment shall be for all the plaintiffs, but the amount of compensation, if any, that each plaintiff is entitled to shall be separately found and set forth in the judgment, and the amount of costs awarded in the action shall be ordered to be paid to such person, and in such manner as the Court or Judge may think fit; should the defendant fail to pay the several amounts of compensation and the costs awarded in the action, execution may issue as in an ordinary action, and should the proceeds of the execution be insufficient, after deducting all costs, to pay the whole of the amounts awarded, a dividend shall be paid to each plaintiff, calculated upon the proportion of the amount which shall have been awarded to the respective plaintiffs to the total amount realized after the deduction of all the costs of the action as aforesaid. 20 25 30

Computation
of time.

14. Where the time for doing any act, taking any proceeding, or giving any notice under or required by this Act expires on a Sunday such act, or proceeding, or notice shall, so far as regards the time of doing, taking or giving the same, be held to be duly and sufficiently done, taken or given, if done, taken or given, on the day next following such Sunday. 35

Forms and
rules.

15. In any action brought in any Court to recover compensation under this Act, the forms and methods, and the rules and orders in force in Court shall, subject to and save as otherwise provided by the terms and provisions of this Act, apply to and regulate all matters of pleading, practice and procedure in such action, and notwithstanding anything in this Act contained, the forms and method, and the pleadings, practice and procedure in any such action shall conform to and be regulated by any rules or orders in that behalf hereafter lawfully and duly made or prescribed with respect to actions brought in any such Court. 40 45

Commence-
ment of Act.

16. This Act shall not come into operation until the first day of July next after the passing hereof which date is in this Act referred to as the commencement of this Act. 50

No. 45.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to secure Compensation to Workmen in certain cases.

(Reprinted as amended by Committee of the Whole House.)

First Reading, 3rd February, 1886.
Second " 2nd March, 1886.

Mr. FRASER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 46.]

BILL.

[1886.

An Act to amend the Revised Statute respecting
Master and Servant.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

5 1. Section 8 of chapter 133 of the Revised Statutes of Ontario R. S. O. c. 133,
is hereby repealed and the following substituted therefor: s. 8, repealed.

8. "Any agreement or bargain, verbal or written, express or implied, which may hereafter be made between any person and any foreigner or alien, for the performance of labour or
10 service, or having reference to the performance of labour or service by such foreigner or alien in the Province of Ontario, and made as aforesaid, previous to the migration or importation into the Province of Ontario, of such foreigner or alien whose labour or service is contracted for, shall be void and of
15 no effect."

Agreements made with foreigners out of Ontario for service therein to be void.

2. Section 1 of *The Act to extend the Provisions of the* 47 V. c. 21,
Revised Statute respecting Master and Servant, passed in the s. 2. amend. d.
47th year of Her Majesty's reign, chapter 21, is hereby
amended by striking out all that portion thereof which follows
20 the words, "whichever shall last happen," in the fifth line
thereof.

No. 46.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Revised Statute
respecting Master and Servant.

First Reading, 3rd February, 1886.

Mr. GIBSON,
(*Hamilton.*)



TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Revised Statute respecting
Master and Servant.



HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 8 of chapter 133 of the Revised Statutes of Ontario R. S. O. c. 133,
5 is hereby repealed and the following substituted therefor: s. 8, repealed.

8. "Any agreement or bargain, verbal or written, express or implied, which may hereafter be made between any person and any *other person not a resident of Canada*, for the performance of labour or service, or having reference to the performance of labour or service by such *other person* in the Province of Ontario, and made as aforesaid, previous to the migration or importation into *Canada*, of such *other person* whose labour or service is contracted for, shall be void and of no effect:  provided however that wages actually earned by the performance of labour or service under any such agreement or bargain may be recovered in the same manner as if this Act had not been passed." 

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Agreements made with residents out of Ontario for service therein to be void.

 2. Nothing in this Act shall be so construed as to prevent any person from engaging under contract or agreement skilled workmen, not resident in Canada, to perform labour in Ontario in or upon any new industry not at present established in Ontario, provided that skilled labour for that purpose cannot be otherwise obtained; nor shall the provisions of this Act apply to teachers, professional actors, artists, lecturers, or singers. 

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Application of Act limited.

No. 46.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Revised Statute
respecting Master and Servant.

*(Reprinted as amended by Select
Committee.)*

First Reading, 3rd February, 1886.
Second " 16th " 1886.

MR. GIBSON,
(Hamilton.)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Law respecting Compensation to
Persons Killed by Accident and in Duels.

WHEREAS by the Act, chaptered 128 of the Revised Statutes of Ontario, and intituled *An Act respecting Compensation to the Families of Persons Killed by Accident and in Duels*, it is amongst other things provided, that every such
5 action as therein mentioned, shall be for the benefit of the wife, husband, parent and child of the person whose death shall have been caused as therein mentioned, and shall be brought by and in the name of the executor or administrator of the person deceased; and whereas it may happen by reason
10 of the inability or default of any person to obtain probate of the will or letters of administration of the personal estate and effects of the person deceased, or by reason of the unwillingness or neglect of the executor or administrator of the person deceased, to bring such action as aforesaid, that the person or
15 persons entitled to the benefit of the said Act may be deprived thereof; and it is expedient to amend and extend the said Act as hereinafter mentioned;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts
20 as follows:

1. If, and so often as it shall happen at any time or times hereafter in any of the cases intended and provided for by the said Act, that there shall be no executor or administrator of the person so deceased, or that there being such executor or
25 administrator, no such action as in the said Act mentioned, shall, within six calendar months after the death of such deceased person as therein mentioned, have been brought by and in the name of his or her executor or administrator, then and in every such case, such action may be brought by and in
30 the name or names of all or any of the persons (if more than one) for whose benefit such action would have been, if it had been brought by and in the name of such executor or administrator; and every action so to be brought, shall be for the benefit of the same person or persons, and shall be subject to
35 the same regulations and procedure, as nearly as may be, as if it were brought by and in the name of such executor or administrator.

2. And whereas by section 3 of the said Act it is provided that the judge or jury may give such damages as they may
40 think proportioned to the injury resulting from such death to the parties respectively for whom and whose benefit such action shall be brought, and the amount so recovered, after deducting the costs not recovered from the defendant, shall be

divided between the before-mentioned parties in such shares as the judge or jury shall by their verdict direct; be it enacted and declared, that it shall be sufficient, if the defendant is advised to pay money into court, that he pay it as a compensation in one sum to all persons entitled under the said Act for 5 his wrongful act, neglect or default, without specifying the shares into which it is to be divided by the judge or jury; and if the said sum be not accepted, and an issue is taken by the plaintiff as to its sufficiency, and the judge or jury shall think the same sufficient, the defendant shall be entitled to the 10 verdict upon that issue.

3. This Act and the said Act shall be read together as one Act.

No. 47.

3rd Session, 5th Legislature, 49 Vic., 1886.

• BILL.

An Act to amend the Law respecting Compensation to Persons Killed by Accident and in Duels.

First Reading, 3rd February, 1886.

MR. FRASER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 48.]

BILL.

[1886.

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Sub-section 22 of section 6 of *The Assessment Act* is R. S. O. c. 180.
5 hereby amended by substituting the words " one thousand " s. 6, sub-s. 22,
for the words " four hundred " in the second line of the said amended.
sub-section

No. 48.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Assessment Act.

First Reading, 3rd February, 1886.

Mr. GIBSON.
(*Hamilton.*)

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the County Courts Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

Increased Jurisdiction.

- 5 1. Sub-sections 1, 2 and 5 of section 19 of chapter 43 of R. S. O. c. 43,
the Revised Statutes of Ontario are hereby repealed, and the s. 19, sub-ss. 1,
following substituted in lieu thereof: 2 and 5,
repealed.
1. In all personal actions where the debt or damages claimed Jurisdiction.
do not exceed the sum of \$500.
- 10 2. In all causes and actions relating to debt, covenant and
contract, \$1,000 where the amount is liquidated or ascertained
by the act of the parties or by the signature of the defendant.
5. In actions of replevin where the value of the goods or
other property or effects distrained, taken or detained, does not
15 exceed the sum of \$500, as provided in *The Replevin Act*.
2. The County Courts in Ontario shall possess the like County Courts
jurisdiction and authority in respect of the matters hereinafter to have juris-
mentioned as is possessed by the High Court of Justice or any diction of
Division thereof, that is to say: High Court in
certain cases.
- 20 1. A person entitled to and seeking an account of the deal- Partnership
ings and transactions of a partnership dissolved or expired, the account.
joint stock or capital not having been over \$2,000.
2. A creditor upon the estate of any deceased person, such Creditor on
creditor seeking payment of his debt (not exceeding \$1,000), estate of de-
25 out of the deceased's assets (not exceeding \$5,000). ceased person.
3. A legatee under the will of any deceased person, such Legatee.
legatee seeking payment or delivery of his legacy (not exceed-
ing \$1,000 in amount or value), out of such deceased person's
personal assets (not exceeding \$5,000).
- 30 4. A residuary legatee or one of the residuary legatees of Residuary
any such deceased person seeking an account of the residue and legatee.
payment and appropriation of his share therein (the estate not
exceeding \$5,000).
5. An executor or administrator of any such deceased person
35 seeking to have the personal estate (not exceeding \$2,000), of Executor or
such deceased person administered under the direction of the administrator.
judge of the county court for the county within which such
executor or administrator resides.

Mortgagee.

6. A legal or equitable mortgagee, whose mortgage has been created by some instrument in writing, or a judgment creditor having duly issued a writ of execution against lands and placed the same in the hands of the proper sheriff, or a person entitled to a lien or security for a debt, seeking foreclosure or sale or otherwise to enforce his security where the sum claimed as due does not exceed \$1,000. 5

Person entitled to redeem mortgage.

8. A person entitled to redeem any legal or equitable mortgage or any charge or lien, and seeking to redeem the same, where the sum actually remaining due does not exceed \$1,000. 10

Equitable relief.

9. Any person seeking equitable relief for or by reason of any matter whatsoever, where the subject-matter involved does not exceed the sum of \$1,000.

Injunctions to restrain waste or trespass.

3. Injunctions to restrain the committing of waste or trespass to property by unlawful cutting, destroying or removing trees or timber, may be granted by the Judge of any County Court, and such injunction shall remain in force for a period of one month, unless sooner dissolved on an application to a Judge of the High Court, who shall, in addition to the power of dissolving, have power to continue, in which latter case the Judge of the High Court shall direct by the order continuing the injunction whether in the further prosecuting of the action, proceedings shall be continued in the County Court or be removed to the High Court. (*See C. S. U. C., p. 82.*) 15 20

Jurisdiction in actions for specific performance, etc.

4. The County Courts, shall also have the same jurisdiction as any Division of the High Court for enforcing the specific performance of, or the reforming, delivering up or cancelling of any agreement, for the sale, purchase or lease of any property where, in the case of a sale or purchase, the purchase money, or in case of a lease, the value of the property does not exceed \$2,000. (30 & 31 V. Imp. c. 142, s. 9.) 25 30

Mandamus.

5. The court shall have power to grant a mandamus, wherever it appears just or convenient to do so, and may impose any terms which may seem just. (Imp. Jud. Act, 1873, ss. 25-90.) 35

Recovery of land.

6. The following sub-section is hereby added to section 20 of said Act.

3. Where neither the value of the lands, tenements or hereditaments, nor the rent payable in respect thereof, shall exceed the sum of \$100 by the year. (30 & 31 V. Imp. c. 142, s. 11.) 40

Jurisdiction where defendant does not dispute same.

7. Any person having a cause or supposed cause of action which is in excess of the jurisdiction of the County Courts under this Act or any former Act, but which may be brought in the High Court of Justice, may, if he so choose, in every instance commence proceedings in the ordinary way, by writ of summons to be issued out of any County Court; and, unless the defendant or one of the defendants shall by and with his appearance to the writ, file a notice stating that he objects to, or disputes, the jurisdiction of the County Court; the County Court out of which the writ issued shall thereupon be seized of jurisdiction, and in default of appearance, or in case the defendant does not file such objection with his appearance, the 45 50

jurisdiction of the County Court shall be considered as established and determined, and all proceedings may thereafter be taken as fully and effectually as if the said action had been originally commenced in the High Court of Justice, subject
5 always to the right of any party thereto to remove the same by *certiorari*.

8. In the event of any defendant giving notice as aforesaid of his objection to jurisdiction, the action shall not on that ground abate; but the action and all proceedings shall be, and
10 be deemed to be transferred to the High Court of Justice, and the action shall proceed thereafter entitled in some one of the Divisions of the High Court of Justice, and the writ and proceedings shall be transferred and refiled in the proper office, and thereafter shall proceed as if originally commenced in the
15 High Court of Justice.

Action to be transferred if defendant objects to jurisdiction.

9. With respect to all other actions besides those to which the jurisdiction of County Courts is hereby extended, if both parties shall agree by a memorandum in writing, signed by them or their respective solicitors, that any County Court
20 named in the memorandum shall have power to try the action, such Court shall have jurisdiction to try the same. (19 & 20 V. Imp. c. 108, s. 23.)

Jurisdiction by consent.

Place of Trial.

10.—(1) Proceedings under this Act which relate to the
25 recovery or sale of any mortgage, charge, or lien on lands, tenements or hereditaments, shall be taken in the County Court, of the district in which the lands, tenements, or hereditaments, or any part thereof, are situate.

When certain actions shall be brought.

2. Proceedings for the administration of the assets of a
30 deceased person, shall be taken in the County Court within the district of which the deceased person had his last place of abode in Ontario, or in which the executors, or administrators or any one of them, shall have their or his place of abode.

3. Proceedings in partnership cases shall be taken in the
35 County Court, within the district of which the partnership business was, or is carried on.

4. Proceedings for the specific performance, or the delivery up or cancelling of agreements, shall be taken in the County Court, within the district of which the defendants or any
40 one of them reside or resides, or carry on or carries on business.

5. Proceedings in any action or proceeding under this Act which are not otherwise provided for, shall be taken or instituted in the County Court, within the district of which, the defendants, or any or either of them, shall reside or carry on
45 business.

11. If, during the progress of an action or proceedings, it shall be made to appear to a Judge of the High Court that the same could be more conveniently prosecuted in some other County Court, it shall be competent for the said Judge
50 to transfer the same to such other County Court, and thereupon the action or proceeding shall proceed in such other County Court.

Removal of actions, etc., from one county court to another.

Title to Land.

Jurisdiction
where title to
land comes in
question.

12. Notwithstanding, that the title to land comes in question in any action incidentally, the Judge may decide the claim which, it is the immediate object of the action to enforce, if both parties at, or before the hearing, consent thereto in any writing signed by them, or their solicitors or counsel; the judgment of the Court shall not, however, be evidence of title between the parties or their privies in any other action; and the consent shall not affect the right of appeal. (19 & 20 V. Imp. c. 108, s. 25.)

No appeals to
lie in certain
cases.

13. No appeal shall lie against any decision of a County Court, given upon any question as to the value of any real or personal property, for the purpose of determining the question of the jurisdiction of the Court under this Act, nor to appeal against the decision of a County Court on the ground that the proceedings might, or should have been taken in any County Court. (Co. Ct. Act, 1865, s. 18, Imp.)

Transfer.

Transfer
actions to
High Court.

14. Any Judge of the High Court, on the application of any party to any action or matter of an equitable nature pending under this Act, may, if he shall see fit, transfer the same to the High Court upon such terms (if any) as to security for costs or otherwise, as he may think fit.

Procedure on
transfer of
actions to
High Court.

15. If during the progress of any action or matter, it shall be made to appear to the Court that the subject matter exceeds the limit in part of amount to which the jurisdiction of the County Courts is hereby limited, it shall not affect the validity of any order or decree already made, but it shall be the duty of the Court to direct the said action or matter to be transferred to the High Court; and thereupon the said action or matter shall proceed in the High Court, which shall have power to regulate the whole of the procedure in the said action or matter when so transferred: provided always, that it shall be lawful for any party to apply to a Judge of the High Court at chambers for an order authorizing and directing the action or matter to be carried on and prosecuted in the County Court, notwithstanding such excess in the amount of the limit to which its jurisdiction in the matter is hereby given to the County Courts; and the Judge of the High Court, if he shall deem it right to summon the other parties, or any of them, to appear before him for that purpose, after hearing such parties or on default of the appearance of all or any of them shall have full power to make such order. (Co. Ct. Act, 1865, Imp. s. 9.)

Proceedings
where juris-
diction not
objected to,
not to be pro-
hibited.

16. Where the parties shall have consented to the jurisdiction of a County Court under this Act, or shall not have objected thereto, no writ of prohibition shall be issued out of the High Court to the Judge of the County Court, in which such action or proceeding is pending, but the whole action or proceeding may be removed by *certiorari* into the High Court on such terms as a Judge of the High Court may see fit.

17. Where, in any action brought in the High Court, upon the application of either party, a Judge of the High Court thinks the issue joined may be safely tried before a Judge of a County Court, he may in his discretion and on such terms as Order for trial by County Judge of action in High Court.
 5 he shall think fit, order that the cause be tried in any County Court which he shall name, and thereupon the plaintiff shall lodge with the clerk of such County Court such order and a certified copy of the pleadings; and the Judge of such County Court shall appoint a day for the hearing of the cause, notice whereof
 10 shall be sent by post or otherwise by the clerk to both parties or their solicitors, and after such hearing the clerk shall certify the result to the proper officer of the High Court, and judgment in accordance with such certificate may be signed in the High Court, unless a Judge of such High Court otherwise order.
 15 (19 & 20 V. Imp. c. 108, s. 25.)

18. If in any action the defendant shall give notice that he objects to the action being tried in the County Court, and shall give security to be approved of by the Judge for the amount claimed, and the costs of trial and proceedings in the High
 20 Court, all proceedings in the County Court in any such action shall be stayed: but if in any action the defendant does not object to the same being tried by the County Court, or shall fail to give security aforesaid, the County Court shall dispose of the cause in the usual way, and the entry of the action shall
 25 be a sufficient commencement of the suit to prevent the operation of any statute of limitation applicable to the claim; provided that nothing herein contained shall prevent the removal of any cause from a County Court by writ of *certiorari*, in the cases and subject to the conditions in and subject to which
 30 such causes may now be removed. (19 & 20 V. Imp. c. 108, s. 39.) When defendant objects to trial in County Court, proceedings may be stayed on security for costs being given.

19. Where any action or proceedings shall be pending in the High Court of Justice, which, had this Act been passed when such action or proceeding was commenced, might have been commenced in a County Court, it shall be lawful for any
 35 of the parties thereto to apply to a Judge of the High Court to have the same transferred to a County Court to be named, and such Judge shall have power, upon the application, to make an order for such transfer on such terms as he sees fit, and thereupon the action or proceeding shall be carried on in the County
 40 Court, to which the same shall be ordered to be transferred, and the parties thereto shall have the same right of appeal that they would have had, had the action or proceeding been commenced in the County Court. (30 & 31 V. Imp. c. 142 s. 8.) Actions pending.

Practice.

20. In any case, not expressly provided for by any Act or Rules, the general principles of practice in the High Court of Justice, may be adopted and applied at the discretion of the Judges of the County Courts to actions and proceedings in their Courts where, in any case provision is not made for it by
 50 an Act or Rules. 9 & 10 V. Imp. c. 95, s. 78. Practice of High Court may be adopted in cases not provided for.

21. In any county where there are both a senior and junior Judge, the Judges shall, in sittings as of term, sit together when practicable. Judges to sit together in term.

22. Any money paid into a County Court shall, unless otherwise ordered by the Court, be deposited by the clerk of the Court in his name as clerk, within forty-eight hours of its payment into court in a chartered bank to be named by the Judge of the County in which the money is paid; and no part of any money deposited in a bank under this Act shall be paid out to any clerk, except upon an order addressed to the manager of the bank by the Judge of the said County Court.

Deposit of
money paid
into Court.

23. For the due execution of any judgment, decree or order, made under the authority of this Act, or of the rules and orders to be framed as herein provided, the Judge of the County Court shall have power to order, and the clerk, upon such order, shall have authority to seal and issue, and the Sheriff to execute, any writ or warrant of possession, writ or warrant of execution, or other process of execution for carrying into effect any judgment, decree or order of the said Court. (Co. Ct. Act, 1865, s. 8, Imp.)

Issue of exe-
cution, etc.

24. In all actions or matters the Judge of a County Court shall, in addition to the powers and authorities now possessed by him, have all the powers and authorities, for the purposes of this Act, of a Judge of the High Court of Justice, and the clerk and sheriff shall, in all matters in which the County Court has jurisdiction under this Act, discharge any duties which an officer of the said High Court can discharge, either under the order of a Judge of the High Court or the practice thereof, and all officers of the County Courts shall, in discharging such duties, conform to any rules or orders in force in said High Court or to be framed as herein provided. (28 & 29 V. Imp. c. 99, s. 2.)

Powers of C.
C. Judges.

25. If it appears to the Judge that there are claims, estates, titles, or rights, or any equitable duties or liabilities upon which he cannot adjudicate by reason of all the proper parties not being before the Court, he may order such parties to be made plaintiffs or defendants, upon such terms as to adjournment, notices and costs as he shall think fit. (Imp. Order xvi. R. 12.)

Adding
parties.

Evidence.

26. Where a party to an action desires to use at the trial an affidavit by any particular witness, or an affidavit as to particular facts, he may, five clear days before the hearing, give a notice with a copy of the affidavit annexed, to the party against whom it is to be used; and, unless the last mentioned party within two clear days gives notice that he objects, he is to be taken to have consented to its use unless the judge otherwise orders. (Imp. Order xiv R. 6.)

Affidavit
evidence.

27. Upon the application of a party, who desires to examine a witness residing out of the county, the Judge may, if he thinks fit, appoint the Clerk of the County Court, or some other person within the County in which the witness resides to take the examination, who is to take it and transmit it by post to the clerk of the court in which the action is pending. The clerk, or person taking the examination, or some other person in his presence is to transcribe the answers given by the witnesses examined before him, and read over the answers

Examination
of witnesses
residing out of
the county.

so transcribed, and the witness must sign his name at the foot ; and where it is necessary to examine a witness *de bene esse*, application upon affidavit must be made to the Judge to appoint an examiner for that purpose. (Imp. Order xiv. R. 7.)

Rules.

5

Judges to
frame rules.

28. In order that the mode of proceeding under this Act, may be fully traced out, and from time to time well-defined, improved and rendered as simple, speedy and cheap as may be, it shall be the duty of the Judges now authorized to make rules for County Courts to frame such general rules and 10 orders and all such forms as to them may seem expedient concerning the process, practice, orders and proceedings under this Act, and in relation to any of the provisions thereof as to which there may arise doubts, and from time to time to alter and amend such rules, orders and forms, and until such rules, 15 orders and forms are made, the rules, orders and forms applicable to such a case in the High Court of Justice shall be used as far as may be ; and such rules, orders and forms as may be made and passed by the said Judges, shall from and after a day to be named therein be in force in every County Court, 20 and shall be of the same force and effect as if the same had been embodied in an Act of this Legislature. (*See C. S. U. C.*, p. 88, s. 58.)

Tariff of costs.

29. The said Judges shall also, as soon as may be, fix a tariff of costs, to be taxed and allowed on proceedings under 25 this Act established.

No. 49.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the County Courts Act.

First Reading, 4th February, 1886.

Mr. FRENCH.

TORONTO :

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An Act respecting Separate Schools.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Separate Schools Act*," Short title.
5 1886."

2. Chapter 206 of the Revised Statutes of Ontario, entitled "An Act respecting Separate Schools," and all other Acts and parts of Acts inconsistent with this Act are hereby repealed.

Conditions on which separate schools for Protestant or coloured people may be established.

PROTESTANT AND COLOURED SEPARATE SCHOOLS.

10 3. Upon the application in writing of twelve or more heads of families resident in any township, city, town or incorporated village, being protestants, the municipal council of the said township or the board of school trustees of any such city, town or incorporated village, shall authorize the establishment
15 therein of one or more Separate Schools for Protestants; and upon the application in writing of twelve or more heads of families resident in any township, city, town or incorporated village, being coloured people, the council of such township or the board of school trustees of any such city, town or incor-
20 porated village, shall authorize the establishment therein of one or more Separate Schools for coloured people, and in every such case, such council or board, as the case may be, shall pre-
scribe the limits of the section or sections of such schools.

2. No person shall be deemed a supporter of any Separate
25 School for coloured people unless he resides within three miles in a direct line of the site of the school house for such Separate School; and any coloured child residing further than three miles in a direct line from the said school house, shall be allowed to attend the Public School of the section within the
30 limits of which the said child resides.

4. There shall be three trustees for each Separate School and the first meeting for the election of such trustees shall be held and conducted in the manner and according to sections—
of this Act.

Three trustees
Election same as in public schools.

35 5. On the twenty-fifth day of December next, following the date of the application mentioned in section 3 of this Act, each such Separate School shall go into operation, and shall, with respect to the persons for whom any school has been established, be under the same regulations as Public Schools generally.

Commence-
ment and
regulations.

Voters
defined.

6. None but coloured people shall vote at the election of trustees of any Separate School established for coloured people, and none but the persons petitioning for the establishment of, or sending children to, a Protestant Separate School shall vote at the election of trustees of such school.

5

Union of
wards in cities
and towns.

7. In any city or town the persons who make application, according to the provisions of the second section of this Act, may have a separate school in each ward, or in two or more wards united, as the said persons may judge expedient.

Special condi-
tions.

8. No Protestant separate school shall be allowed in any school section, except when the teacher of the public school in such section is a Roman Catholic.

Exemption
from public
school rates.

9. In all cities, towns, incorporated villages and township public school sections in which such separate schools exist, each protestant or coloured person (as the case may be) sending 15 children to any such school, or supporting the same by subscribing thereto annually an amount equal to the sum at which such person, if such separate school did not exist, must have been rated in order to obtain the annual Legislative public school grant, shall be exempt from the payment of all rates 20 imposed for the support of the public schools of such city, town, incorporated village and school section respectively, and of all rates imposed for the purpose of obtaining such public school grant.

Such exemp-
tion condi-
tional.

10. The exemption from the payment of school rates, as 25 herein provided, shall not extend beyond the period during which such persons send children to or subscribe as aforesaid for the support of such separate school; nor shall such exemption extend to school rates or taxes imposed or to be imposed to pay for school-houses, the erection of which was undertaken 30 or entered into before the establishment of such separate school.

Not to share
in municipal
assessment.

11. Such separate schools shall not share in any school money raised by local municipal assessment for public school purposes.

35

Share of legis-
lative school
grant deter-
mined.

12. Each such separate school shall share in such Legisla- tive public school grant according to the yearly average num- ber of pupils attending such separate school, as compared with the average number of pupils attending the public schools in each such city, town, incorporated village or township; the 40 mean attendance of pupils for winter and summer being taken.

Certificate of
teacher.

13. A certificate of qualification, signed by the majority of the trustees of such separate school, shall be sufficient for any teacher of such school.

Half-yearly
returns to the
inspector.

14. The trustees of each of such separate school shall, on 45 or before the thirtieth day of June, and thirty-first day of December of each year, transmit to the county inspector a cor- rect return of the names of all Protestant or coloured persons (as the case may be) who have sent children to, or subscribed as aforesaid for the support of, such separate school during the 50 then last preceding six months, and the names of the children

sent, and the amounts subscribed by them respectively, together with the average attendance of pupils in such separate school during such period.

- 15 **15.** The county inspector shall, upon the receipt of such return, forthwith make a return to the clerk of the municipality in which such separate school is established, stating the names of all the persons who, being Protestants or coloured persons, (as the case may be), contribute or send children to such Separate school.
- Inspector to report to clerk and trustees.
- 10 **16.** Except for any rate for building school-houses undertaken before the establishment of such separate school, the clerk shall not include in the collector's roll for the general or other school rate, and the trustees or board of trustees shall not include in their school rolls any person whose name appears upon such last mentioned return.
- Clerks and trustees to exempt from rates supporters of separate schools.
- 15 **17.** The clerk or other officer of the municipality within which such separate school is established, having possession of the assessor's or collectors roll of the said municipality, shall allow any one of the said trustees, or their authorized collector, to make a copy of such roll as far as it relates to their school section.
- Clerk to allow use of assessor's roll.
- 18.** The provisions of sections—of this Act, shall apply to the trustees and teachers of such separate schools.
- Rev. Stat., c. 204, s. 242, to apply.

- 25 **19.** The trustees of each such separate school shall be a body corporate under the name of "The Trustees of the Protestant Coloured or Separate School of (as the case may be), in the township (city or town, as the case may be) of and shall have such power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of, the separate school as are provided in sections—of this Act.
- Separate school trustees to have same power as public school trustees.
- 30

ROMAN CATHOLIC SEPARATE SCHOOLS.

- 19.** The sections and provisions hereinafter in this Act contained are enacted in respect of separate schools for Roman Catholics, whether now or hereafter established.
- 35

20. Unless otherwise declared or indicated by the context, wherever, in any of the sections or provisions hereinafter in this Act contained, any of the following words or expressions occur, they shall have the meaning hereinafter expressed, that is to say :

40

- (1) The expression, "rural school," shall signify and mean a separate school for Roman Catholics now or hereafter established within a township ;
- (2) The expression, "urban school," shall signify and mean a separate school for Roman Catholics now or hereafter established within a city, town or incorporated village ;
- 45
- (3) The expression, "separate school," shall signify and mean a separate school for Roman Catholics now or hereafter established.

Union of
wards in
towns or
cities.

21. The trustees of separate schools for Roman Catholics heretofore elected, or hereafter to be elected, according to the provisions of this Act, in the several wards of any city or town, or incorporated village shall form one body corporate, under the title of "The Board of Trustees of the Roman Catholic Separate Schools for the City (or Town) or incorporated village of ."

5

Five heads of
families being
Roman Catho-
lies may call a
meeting for a
separate
school.

22. Any number of persons, not less than five, being heads of families, and householders or freeholders resident within any school section of any township, incorporated village or town, or within any ward of any city or town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school for Roman Catholics in such school section or ward, for the election of trustees for the management of the same. R. S. O. c. 206, s. 19.

15

Election of
separate
school trus-
tees.

23. A majority of the persons present, being householders or freeholders, and Roman Catholics, and not candidates for election as trustees, may, at such meeting, elect three persons resident within such section or an adjoining section, to act as trustees for the management of such separate school. R. S. O. c. 206, s. 20.

20

Written
notice of such
meeting to be
given, and to
whom and in
what manner.

24. Notice in writing that such meeting has been held, and of such election of trustees, shall be delivered by one of the trustees so elected to the reeve or head of the municipality, or to the chairman of the board of public school trustees, in the township, incorporated village, town or city in which such school is about to be established, designating by their names, occupations and residences, the persons elected in the manner aforesaid, as trustees for the management thereof; and it shall be the duty of the officer receiving the same to endorse thereon the date of the receipt thereof, and to deliver a copy of the same so endorsed and duly certified by him to such trustee and from the day of the delivery and receipt of every such notice, or in the event of the neglect or refusal of such officer to deliver a copy so endorsed and certified, then from the day of the delivery of such notice the trustees therein named shall be a body corporate, under the name of "The Trustees of the Roman Catholic Separate School for the section number , in the Township of , or for the ward of , in the City or Town (as the case may be), or for the Village of , in the County of ." R. S. O. c. 206, s. 21.

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Corporate
name of trus-
tees.

RURAL SEPARATE SCHOOLS.

Trustees' term
of office.

25. For each rural school there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected. R. S. O. c. 204, ss. 17, 48.

50

26. Any person being a British subject, not less than twenty-one years of age, may be elected as a trustee whether he be a householder or freeholder or not.

55

Electors,
qualification
of.

27. Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, shall be entitled to vote at any election for school

trustee, or on any school question whatsoever, at any annual or special meeting of the supporters of such school. R. S. O. c. 204, s. 52.

28.—(1) The trustees of every rural school shall hold office 5 and be elected as hereinafter provided, and the time and mode of election, appointment and duties of chairman and secretary at the annual meeting, term of office and manner of filling up vacancies, shall likewise be as hereinafter provided, that is to say :

10 (2) A meeting of the supporters of such rural school shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, com- Annual meet-
mencing at the hour of ten o'clock in the forenoon, for the ing, when
purpose (among other things) of electing a school trustee or held.
15 trustees. R. S. O. c. 204, s. 39 ; 42 V. c. 34, s. 9.

(3) In case from the want of proper notice or other cause, Meetings to be
any first or annual meeting of separate school supporters, called in de-
required to be held for the election of trustees, was not held at fault of first or
the proper time, any two supporters of such separate school annual meet-
20 may call a school meeting, by giving six days' notice, to be ings.
posted in at least three of the most public places in the locality in which the school is situate ; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. R. S. O.
25 c. 204, s. 53.

(4) The supporters of such separate school present at such meeting shall elect one of their own number to preside over Order of
its proceedings, and shall also appoint a secretary who shall business.
record the proceedings of the meeting and perform such
30 other duties as may be required of him by this Act. R. S. O., c. 204, s. 45.

(a) The business of such meeting may be conducted in the following order : receiving the annual report of the trustees, and disposing of the same ; receiving the
35 annual report of the auditor or auditors, and disposing of the same ; electing an auditor for the current year ; miscellaneous business ; electing a trustee or trustees to fill any vacancy or vacancies.

(5) The chairman shall preside and submit all motions to the Chairman,
40 meeting in the manner desired by the majority. In case of an duties of,
equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order subject to an appeal to the meeting. R. S. O. c. 204, ss. 46 and 47 ; 42 V. c. 34, s. 34.

45 (6) When a poll is demanded by two supporters of a rural school at the meeting for the election of a trustee, the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record, as herein directed, the names of all qualified supporters of such rural
50 school who shall present themselves within the time prescribed by this Act, and the secretary shall enter in the poll-book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the supporters offering to vote at
35 the election, and shall, in the column on which is entered

the name of a candidate voted for by a supporter, set the figure "1" opposite the supporter's name, with the residence of such supporter. R. S. O. c. 204, s. 47; 42 V. c. 34, s. 6.

Entries in poll book. (7) In case a poll is demanded upon any rural school question by any two supporters, the name of each supporter shall be similarly placed in separate columns marked "for" or "against." 42 V. c. 34, s. 6.

When voter is objected to. (8) In case any objection is made to the right of any person to vote at any such annual or special meeting, either for trustee or upon any school question, the chairman of the meeting, or other officer presiding, shall require the person whose right of voting is objected to, to make the following declaration or affirmation:

Declaration. (a) I, A.B., do declare and affirm, that I am an assessed householder or freeholder in Separate School Section 5

(b) That I am of the full age of 21 years.

(c) That I am a supporter of the Roman Catholic Separate School in said School Section No.

(d) That as such supporter I have the right to vote at this meeting of the supporters of such school. 20

Whereupon the person making such declaration shall be entitled to vote. 42 V. c. 34, s. 3.

When poll shall close. (9) The poll at any such election of a Separate School trustee or trustees, or on any school question, shall not close before eleven o'clock in the forenoon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced. R. S. O. c. 204, s. 41.

Term for vacancies. (10) Any trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. R. S. O. c. 204, s. 37.

Trustees may resign. (11) Any such trustee may resign with the consent, expressed in writing, of his colleagues in office. R. S. O. c. 204, s. 20.

Re-election of any trustees lawful. (12) Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. R. S. O. c. 204, s. 36.

Term of office of each trustee. (13) The trustees elected at a first rural school meeting shall respectively continue in office as follows:—

(a) The first person elected shall continue in office for two years, to be reckoned from the annual school meetings next after his election, and thence until his successor has been elected; 40

Second. (b) The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected; 45

Third. (c) The third, or last person elected, shall continue in office until the next ensuing annual school meeting and until his successor has been elected. R. S. O. c. 204, s. 49.

Copy of minutes to be sent to inspector. (14) A correct copy of the minutes of a first and of every annual and of every special school meeting, signed by 50

the chairman and secretary, shall be forthwith transmitted by the chairman of such meeting to the Education Department. R. S. O. c. 204, s. 50.

Duties of Trustees.

- 5 **29.**—(1) The trustees of every rural school shall have power and shall perform duties similar to those of the trustees of public schools in school sections, that is to say :
- 10 (2) Every Board of rural school trustees (a majority of whom shall form a quorum) shall be constituted by the election of a chairman and a secretary-treasurer. *See* R. S. O. c. 204, s. 98, 102 (1).
- 15 (a) The secretary-treasurer, who may be a member of the Board, shall give such security as may be required by a majority of the trustees and such security shall be deposited with the chairman of the board of separate school trustees. R. S. O. c. 204, s. 102, (1) *1 a* part and 6.
- 20 (3) It shall be the duty of the secretary-treasurer :
- 25 (a) To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee ;
- 30 (b) To receive all school moneys collected from the supporters of such school, and to account for the same ;
- 35 (c) To disburse all moneys in the manner directed by a majority of the trustees ;
- 40 (d) To produce, when called for by the trustees, auditors or other competent authority, all papers and moneys belonging to the corporation ;
- 45 (e) To call at the request in writing of two trustees a special meeting of the Board of Trustees. R. S. O. c. 206, ss. 100, 102, (1*a*), (5*b*), part.
- 50 (4) Notice of all meetings shall be given by the Secretary to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences. R. S. O. c. 204, s. 97.
- 55 (5) No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting of the trustees, shall be valid or binding on any person affected thereby, unless notice has been given as required by this Act and unless at least two trustees are present. R. S. O. c. 204, s. 99.
- 60 (6) Every board of rural school trustees shall annually, on or before the first day of December, appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act,

Secretary-treasurer, duties of.

Notices of meetings, how given.

Corporate acts must be adopted at lawful trustee meetings.

Appointment of auditor.

then the Minister of Education may (at the request in writing of any five supporters of such rural school) make such appointment. R. S. O. c. 204, s. 102 (3), (8a).

(7) It shall be the duty of the trustees, or their secretary-treasurer, to lay all their accounts before the auditors of the school, or either of them, together with the agreements, vouchers, contracts and books in their possession, and such trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditures of school moneys. 10

Meetings to be appointed by the trustees,

(8) The trustees shall appoint the place of each annual school meeting of the supporters of the school for which they are the trustees; and the time and place of a special meeting of the same for (1) the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal, or other cause; or (2) for the selection of a new school site; (3) the appointment of a school auditor; or (4) any other lawful school purpose, as they may think fit and proper; and to cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of the neighborhood in which the school is situate at least six days before the time of holding such meeting. R. S. O. c. 204, s. 102, (25). 15

Filling vacancies.
Notice.

Adequate accommodation.

(9) The trustees shall provide adequate accommodation and a legally qualified teacher or teachers, according to the provisions of this Act or the regulations prescribed by the Education Department, for all children between the ages of five and twenty-one years, belonging to the supporters of their school. R. S. O. c. 204, s. 102 (8), (17). 20

Apply to municipality for school moneys.

(10) Every such board may apply to the township council at or before its meeting in August for the levying and collecting by rate, all sums for the support of their school or schools, and for any other school purposes authorized by this Act to be collected from the supporters of such separate school. R. S. O. c. 204, s. 102 (12). 30

Arrange payment of salaries.

(11) The trustees shall arrange for the payment of teachers' salaries quarterly and, if necessary, to borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected. R. S. O. c. 204, s. 89 (1), 102 (11). 35

Repairing, etc., school house.

(12) The trustees shall keep the school-house, furniture, out-buildings, and enclosures in proper repair, and where there is no suitable school-house or where two or more school-houses are required, to build or rent a house or houses and to keep such house or houses, its or their furniture, outbuildings and enclosures in proper repair. R. S. O. c. 204, s. 102 (9 and 10). 40

Names and addresses of trustees and teachers to be given to Minister of Education.

(13) The trustees shall give notice in writing, before the 15th day of January in each year, to the Education Department, of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and to give reasonable notice in writing, from time to time, of any changes therein. 45 V. c. 30, s. 4. 45

Exempt indigent persons.

(14) The trustees may exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons; notice of such exemption, when the school rate is col- 55

lected by the municipality, shall be given by the trustees to the clerk of the municipality, on or before the 1st day of August. R. S. O. c. 204, s. 102 (9 and 10).

(15) The trustees may dismiss from the school any pupil who shall be adjudged so refractory by the trustees (or by a majority of them), and the teacher, that his presence in school is deemed injurious to the other pupils, and where practicable, to remove such pupil to an industrial school. R. S. O. c. 204, s. 102 (22). Dismissal of refractory pupils.

(16) Every board of such trustees shall take possession and have the custody and safe keeping of all school property which has been acquired or given for school purposes; and may acquire and hold as a corporation, by any title whatsoever, any land, moveable property, moneys or income given or acquired by the board at any time for school purposes, and shall hold or apply the same, according to the terms on which the same were acquired or received; and may dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause; and convey the same under their corporate seal, and apply the proceeds thereof to their lawful school purposes, or as directed by this Act. R. S. O. c. 205, s. 102 (6 and 7). Custody of school property. Sale of school site or other property.

(17) Such trustees shall visit, from time to time, every school under their charge, and see that it is conducted according to law and the authorized regulations, and shall provide school registers and a visitors' book, in the form prescribed by the Education Department. R. S. O. c. 204, s. 102 (21). Visit schools.

(18) The trustees shall cause to be prepared and read at the annual meeting of the supporters of every rural school a report for the year then ending, containing, among other things, a summary of their proceedings during the year, together with a full and detailed account of the receipts and expenditure of all school moneys received and expended in behalf of such school for any purpose whatever, during such year, and signed by the trustees, and by either or both of the school auditors. R. S. O. c. 204, s. 102 (26). Report at annual meeting.

(19) The trustees shall transmit to the Education Department the semi-annual returns on or before the 30th day of June, and 31st day of December respectively, and the annual return on or before the 15th day of January, in each year, according to the forms prescribed by the Education Department. R. S. O. c. 204, s. 102 (27 and 28 a, b, c and d.). Annual and semi-annual returns.

30. It shall be lawful for the majority of the supporters of the rural school, in each separate school section, whether the sections be in the same or adjoining municipalities, at a public meeting duly called by the separate school trustees of each such section, to form such sections into a separate school union section, of which union of sections the trustees shall give notice within fifteen days to the clerk or clerks of the municipality or municipalities, and to the Minister of Education; and each such separate school union section thus formed shall be deemed one school section for all Roman Catholic separate school purposes, and shall every year thereafter be represented by three trustees, to be elected as provided in section of this Act. Notice for union of school sections for a separate school. Union formed.

Corporate
name of trus-
tees for union.

(2) And the said trustees shall form a body corporate, under the title of "The Board of Trustees of the Roman Catholic United Separate Schools for the United Sections Nos. (as the case may be) in the (as the case may be).

Separate School Boards in Cities, Towns, and Incorporated Villages. 5

31. Where in any city, town or incorporated village, a separate school is now or may hereafter be established, the following provisions shall apply:

Trustee in
city, etc.,
divided into
wards.

(1) For every ward into which any city, town or incorporated village is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected. R. S. O. c. 204, ss. 22 and 23. 10

(2) One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer and then retire. R. S. O. c. 204, ss. 24, 58 (1) (2); 42 V. c. 34, s. 7. 15 20

Trustees in
village not
divided into
wards.

(3) In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected; and 25

(4) Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire. R. S. O. c. 204, ss. 24, 58 (1) (2); 42 V. c. 34, s. 7. 30

Term of office.

(5) Every trustee shall continue in office until his successor has been elected, R. S. O. c. 204, s. 58.

Provisions for
elections of
trustees of
public school
corporations.

32.—(1) The annual and other meetings of urban school supporters, and meetings for the election of trustees and the annual and other meetings of urban separate school trustees, shall conform to and be subject to the following provisions: 35

Nominations.

(2) A meeting of the supporters of every such urban school for the nomination of candidates for the office of school trustee, shall take place at noon on the last Wednesday in the month of December annually, or if a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the separate school board, and in municipalities divided into wards, in each ward thereof, if the board in its discretion thinks fit. 40 45

Returning
officer.

(3) The trustees of such urban school shall by resolution name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting shall preside, and the trustees shall give at least six days' notice of such meeting. 50

(4) If at such meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the secretary of the urban school board; but if two or more candidates are proposed for any one office, and a poll in respect of any such office is demanded by any candidate or urban school supporter, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday of the month of January then next, when a poll or polls shall be opened at such place or places, and in each ward, where such exist, as shall be determined by resolution of the said trustees.

Proceedings at
nominations.

(5) The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until four o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled.

Hours of
polling.

(6) The urban school board shall, before the second Wednesday in December in each year, by resolution, fix the place or places for the nomination meeting, and also for holding the election in case of a poll, and also name the returning officer who shall preside at the respective polling places, and forthwith give public notice thereof.

Place for
nomination
and election.

(7) The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the secretary-treasurer of the urban school board, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer.

Duty of re-
turning officer
after close of
election.

(8) The secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected, the candidate or candidates having the highest number of votes; and a majority in number of the trustees remaining in office shall be a quorum for the foregoing purposes.

Duty of
secretary.

(9) In case two or more candidates have an equal number of votes, the member of the board present who is assessed highest as a supporter of such urban school on the last revised assessment roll shall, at the time of declaring the result of the poll, give a vote for one or more such candidates, so as to decide the election.

Casting vote.

(10) The Judge of the County Court, in case any complaint respecting the validity or mode of conducting the election of any trustee of an urban school board in any municipality within his county, is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon, within a reasonable time, in a summary manner, hear and determine the same; and may by order cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him as he may deem expedient, and may confirm the said election or set it aside, or order that some other candidate was duly

Judge of
County Court
to receive and
investigate
complaints.

elected ; and the Judge may order the person found by him not to have been duly elected to be removed ; and in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted ; and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall report such decision to the secretary-treasurer of the urban school board. 42 V. c. 34, s. 7, (9) ; 44 V. c. 30, s. 9, (2). 5

Vacancy in office of trustees.

(11) In case of a vacancy in the office of trustee of any urban school board arising from any cause, the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is filled. 15

Proceedings at new election.

(12) The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and the urban school board shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of said nomination. 42 V. c. 34, s. 7 (1) to (11). 20

Voting to be open.

(13) The voting for the election of trustees and for all other urban school purposes, shall be by open vote. R. S. O. c. 204, s. 59 ; 42 V. c. 34, s. 7.

In cities and towns divided into wards, clerk of municipality to furnish Voters' List to public school boards.

(14) In cities and towns divided into wards, the clerk of the municipality shall furnish to the separate school board, within three days after request in writing, 'the voters' list' for each ward of such municipality, annexing thereto a list of the names of persons being supporters of separate schools for Roman Catholics, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income, rated upon the then last revised assessment roll, and not being already upon "the voters' list." 42 V. c. 34, s. 4. 25 30

In towns not divided into wards, clerk to furnish Voters' List to public school trustees.

(15) In towns not divided into wards and villages, the clerk of the municipality shall furnish to the urban school board within three days after request in writing, 'the voters list' for each polling sub-division in the case of such town or village, as provided by the last preceding sub-section. 42 V. c. 34, s. 5. 35

Certified copy of list and a poll book to be provided for each polling place. Entries in poll book.

(16) The urban school board shall provide each polling place with the list aforesaid, and also a poll book ; and, at every election at which a poll is demanded, the returning officer or person presiding, or his sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the urban school supporters offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for by any such school supporter, set the figure "1" opposite the supporter's name, with his residence, and in case of a poll demanded upon any urban school question, the name of each such school supporter shall be similarly placed in separate columns, marked 'for' or 'against.' 42 V. c. 34, s. 6. 45 50

(a) In case any objection is taken to the right of any person to vote at any meeting of the supporters of an urban school, the chairman of the meeting or 55

other officer presiding shall require the person whose right to vote is objected to, to take the declaration mentioned in sub-section 8 of section 28 of this Act.

- 5 (17) It shall be the duty of the board to call and give notice of annual and special school meetings of urban school supporters of the city, town or village, or of any ward therein, for filling vacancies in the school trustee corporation, or for any other purpose, in the manner prescribed by this Act. Trustees to give notice of annual and special meetings.

10 R. S. O. c. 204, s. 104 (26).

- (18) When any supporter of an urban school resides without the municipality in which the school is situate, he shall be entitled to vote in that ward or division of the municipality in which the school house is situate which is nearest to his place of residence.

(19) The election of trustees for any urban school shall become void unless a separate school is established under their management within three months from the election of such trustees. Election of trustees, when to become void. R. S. O. c. 206, s. 40.

- 20 (20) At the first meeting in each year of every urban school board, the secretary of such board shall preside, or, if there be no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member. President at first meeting. 41 V. c. 15, s. 2.

- (21) In case of an equality of votes at the election of chairman of any such board, the member who is assessed as a separate school supporter for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member. Casting vote. 41 V. c. 15, s. 3.

(22) Subsequent meetings of the board shall be held at such times and places as may, from time to time, be fixed by resolution of the board. Meetings of board. R. S. O. c. 204, s. 104 (2).

- 35 (23) The chairman of the board shall preside, or in his absence, any other person appointed to act as chairman by the majority of those present, and such chairman or person so acting, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. Presiding officer of board.

- 40 (24) A majority of the members of such board, when present at any meeting, shall constitute a quorum, and the vote of the majority of such quorum shall be valid to bind the corporation. Quorum of school boards, etc. R. S. O. c. 204, s. 98, *part*.

Duties of Board.

- 45 **33.**—(1) It shall be the duty of the board of trustees of every urban school: Duties of board.

(2) To appoint a secretary and treasurer or secretary-treasurer and one or more collectors, if requisite, of such school fees or rate-bills as the board may have authority to charge; Appointment of secretary and collector.

- 50 (a) The collector or collectors, and secretary, and treasurer, or secretary-treasurer (who may be of their own number), shall discharge similar duties, and be

subject to similar obligations and penalties, and have similar powers as the like officers in the municipality. R. S. O. c. 204, s. 104 (3 a b) (13 a, b, c).

To provide adequate accommodation. (3) To provide adequate accommodation, according to the regulations of the Education Department, for all the children 5 of separate school supporters between the ages of five and twenty-one, resident in the ward, village or town, as the case may be, as ascertained by the census taken by the municipal council for the next preceding year.

To provide school premises, apparatus, prize books and library. (4) To purchase or rent school sites and premises, and to 10 build, repair, furnish, and keep in order the school-houses and appendages, lands, enclosures, and moveable property, and procure registers in the prescribed form, suitable maps, apparatus and prize books and, if they deem it expedient, establish and maintain school libraries. R. S. O. c. 204, s. 104, (8 a, b, 15 c), (25).

Kind of schools. (5) To determine the number, kind, grade and description of schools (such as male, female, infant, central or ward schools) to be established and maintained; the teachers to be employed; the terms on which they are to be employed; the amount of 20 their remuneration, and the duties which they are to perform. R. S. O. c. 204, s. 104, (9 a, b).

To lay before Councils estimate for moneys. (6) To prepare from time to time, and lay before the municipal council of the city, town, or village, on or before the first day of August an estimate of the sums which they think 25 requisite for all necessary expenses of the schools under their charge. R. S. O. c. 204, s. 104, (10).

To appoint a committee for each school. (7) To appoint of their number annually, or oftener if they judge it expedient, and under such regulations as they think proper, a committee of not more than three persons for the 30 special charge, oversight and management of each school within the city, town, or village, and to see that all the schools under their charge are conducted according to the authorized regulations. R. S. O. c. 204, s. 104 (24), 105 (1).

Trustees may collect a fee from parents. (8) To collect, at their discretion, from the parents or guar- 35 dians of children attending any urban school under their charge, a sum not exceeding twenty cents per calendar month, per pupil, to defray the cost of text-books, stationery and other contingencies, and to see that all the pupils in the schools are duly supplied with a uniform series of text-books. 40 R. S. O. c. 204, s. 104 (19); 105 (2).

To give orders for moneys expended. (9) To give orders on the treasurer of the separate school board for all moneys expended for school purposes. R. S. O. c. 204, s. 104 (15).

To prepare annual report for Minister. (10) To prepare and transmit annually, before the fifteenth of 45 January, to the Minister of Education, in the form prescribed by him, a report signed by the chairman, containing all information required by the regulations of the education department. R. S. O. c. 204, s. 104 (27) and (28).

Teachers.

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Valid agreements with teacher. 34. All agreements between trustees and teachers, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees, and

such agreements may lawfully include any stipulation to provide the teacher with board and lodging. R. S. O. c. 204, s. 161 and (2).

35.—(1) It shall be the duty of every teacher of a separate school:— Duties of public school teacher.

(2) To teach diligently and faithfully all the branches required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act, and the regulations of the Education Department. To teach according to law.

(3) To keep in the prescribed form the general, entrance, and the daily class, or other registers of the school, and to record therein the admission, promotion, removal, or otherwise of the pupils of the school; To keep the register of the school.

(4) To maintain proper order and discipline in his school, according to the prescribed regulations; To maintain order and discipline.

(5) To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school, and to present said book to every visitor, and request him to make therein any remarks suggested by his visit; To keep a visitors' book.

(6) To give the trustees and visitors access at all times when desired by them, to the registers and visitors' book appertaining to the school. To give access to register and visitors' book.

(7) To deliver up any school registers, visitors' book, school-house key, or other school property in his possession, on the demand or order of the majority of the trustees employing him; Deliver up register and key.

(8) In case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees; In case of refusal.

(9) To hold during each term a public examination of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in or adjacent to the school, and through the pupils to their parents or guardians. To hold public quarterly examinations.

(10) To furnish to the Minister of Education, or to the Separate School Inspector, from the trustees' report or otherwise, any information which it may be in his power to give respecting anything connected with the operations of his school, or in any wise affecting its interests or character. R. S. O. c. 204, s. 163, sub secs. 1 to 8. To furnish information to the minister and inspector.

(11) To prepare so far as the school registers supply the information, such reports of the corporation employing him as are required by the regulations of the Education Department. To prepare reports.

36. Every qualified teacher of a separate school employed for any period not less than three months shall be entitled to be paid his salary in the proportion which the number of teaching days during which he has taught, bears to the whole number of teaching days in the year. Proportion of salary to which teacher entitled.

37. All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought and Provision in case of difference between

teacher and trustees.

decided in the Division Court by the Judge of the County Court in each county, subject to an appeal, as provided by this Act. R. S. O. c. 204, s. 165, and (2).

Issue of execution.

38. In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this Act, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. R. S. O. c. 204, s. 165 (3). 5 10

Case of sickness.

39. In case of sickness, certified by a medical man, every teacher shall be entitled to his salary during such sickness, for a period not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. 41 15
V. c. 8, s. 21.

Four weeks allowed.

Protection of teachers in regard to salary.

40. Every teacher shall be entitled to be paid at the rate mentioned in his agreement with the trustees, even after the expiration of the period of his agreement, until the trustees pay him the whole of his salary as teacher of the school, according to their engagement with him, provided always that an action must be commenced within three months after such salary is due and payable by the trustees. R. S. O. c. 204, s. 164 and (2). 20

Assessments.

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Supporters of separate schools exempted from payment of public school rates on giving certain notice.

41. Every person paying rates, whether as proprietor or tenant, who, by himself, or his agent, on or before the first day of March in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic, and supporter of a separate school situated in the said municipality or in a municipality contiguous thereto, shall be exempted from the payment of all rates imposed for the support of public schools, and of public school libraries, or for the purchase of land or erection of buildings for public school purposes, within the city, town, incorporated village or section in which he resides, 35 for the then current year, and every subsequent year thereafter, while he continues a supporter of a separate school; and such notice shall not be required to be renewed annually. R. S. O. c. 206, s. 31.

Certificates notice.

42. Every clerk of a municipality, upon receiving any such notice, shall deliver a certificate to the person giving such notice, to the effect that the same has been given, and showing the date of such notice. R. S. O. c. 206, s. 32. 40

Penalty for wilful false statements in such notice.

43. Any person who fraudulently gives any such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from rates, and shall be liable to a penalty of \$40, recoverable with costs before any Justice of the Peace at the suit of the municipality interested. R. S. O. c. 206, s. 37. 45

Exemption as to rates imposed before separate

44. Nothing in the last preceding three sections contained, shall exempt any person from paying any rate for the support of public schools or public school libraries, or for the erection 50

of a school house or school houses, imposed before the establishment of such separate school. R. S. O. c. 206, s. 34. school established.

45. Subject to the other provisions of this Act no person shall be deemed a supporter of any separate school unless he resides within three miles (in a direct line) of the site of the school house. R. S. O. c. 206, s. 36. Residence of supporters of separate schools.

46. When any supporter of a separate school resides without the municipality in which the school is situate, he shall be entitled to vote in the ward or division in which the school house nearest to his place of residence is situate, if within the distance of three miles in a direct line. 42 V. c. 34, s. 23.

47. Any person, who, if resident in a municipality, would be entitled to be a supporter of any separate school existing either therein or in any adjoining municipality, may, in giving notice under section 3 of *The Assessment Act*, that he is the owner of unoccupied land situate in either of the said municipalities, require that all such land as is situate either in the municipality wherein such separate school is situate or within the distance of three miles in a direct line of the site of said separate school shall be assessed for the purposes of said separate school, and the proper assessor shall thereupon enter such person in the assessment roll as a separate school supporter, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and such land shall be assessed accordingly for the purposes of said separate school and not for public school purposes. 47 V. c. 44, s. 1. Non-residents may require school tax to be appropriated to a separate school.

48.—(1) Any Roman Catholic who may desire to withdraw his support from a separate school, shall give notice in writing to the clerk of the municipality, before the second Wednesday in January in any year, otherwise he shall be deemed a supporter of such school. Persons withdrawing support from Separate School to give notice.

(2) But any person who has withdrawn his support from any Roman Catholic separate school shall not be exempted from paying any rate for the support of separate schools or separate school libraries, or for the erection of a separate school house, imposed before the time of his withdrawing such support from the separate school. R. S. O. c. 206, s. 35. Proviso.

49.—(1) The assessor or assessors of every Municipality shall in the assessment roll set down the religion of the person taxable, distinguishing between Protestant and Roman Catholic, and whether supporters of public or separate schools; but nothing herein contained shall be deemed to interfere with the rights of public school trustees under the *Public Schools Act*. R. S. O. c. 204, s. 78 (5), (7a). Duty of assessors.

(2) The assessor shall accept the statement of, or made on behalf of, any ratepayer, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column. R. S. O. c. 204, s. 78 (5 part); 42 V. c. 34, s. 26 (3). Statement as to religion.

Court of Revision to decide.

(3) The Court of Revision shall try and determine all complaints in regard to persons in these particulars alleged to be wrongfully placed upon or omitted from the roll (as the case may be), and any person so complaining, or any ratepayer of the municipality, may give notice in writing to the Clerk of the Municipality of such complaint, and the provisions of *The Assessment Act*, in reference to giving notice of complaints against the assessment roll, and proceedings for the trial thereof, shall likewise apply to all complaints under this section of this Act. R. S. O. c. 204, s. 78 (5 latter part).

Collector's roll—further columns.

50. The clerk of every municipality, in annually making out the collector's roll, shall place columns therein, so that under the head of "School Rate," the public school rate may be distinguished from the separate school rate, and also under "Special Rate for School Debts," shall distinguish between public and separate school purposes, and the proceeds of any such rate shall be kept distinguished by the collector, and accounted for accordingly. R. S. O. c. 204, s. 78 (6).

51. The clerk of any municipality in which any separate school section or part of a section is situate, shall, not later than the 1st day of December in each year, make out and transmit to the county school inspector a statement shewing whether or not any county rate for public school purposes has been placed upon the collector's roll against supporters of separate schools, and if such has been rated against supporters of separate schools, giving a list of such and the amount so rated against each and the total amount so rated. 43 V. c. 32, s. 9.

52. In any case where under section 18 of *The Assessment Act*, land is assessed against both the owner and occupant, or owner and tenant, then such occupant or tenant shall be deemed and taken to be the person primarily liable for the payment of school rates, and for determining whether such rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall be allowed to alter or to affect this provision otherwise; and in any case where, as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay any such school rate, he may direct the same to be applied to either public or separate school purposes. 44 V. c. 30, s. 10.

Company may require school rate to be applied to separate schools.

53.—(1) A company may, by notice in that behalf to be given to the clerk of any municipality wherein a separate school exists, require any part of the real property of which such company is either the owner and occupant, or, not being such owner, is the tenant, occupant or actual possessor, and any part of the personal property (if any) of such company, liable to assessment, to be entered, rated and assessed for the purposes of said separate school, and the proper assessor shall thereupon enter said company as a separate school supporter in the assessment roll in respect of the property specially designated in that behalf in or by said notice, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and so much of said property as shall be so designated shall be assessed accordingly in the name of said

company for the purposes of said separate school and not for public school purposes, but all other property of said company shall be separately entered and assessed in the name of the company as for public school purposes.

- 5 (2) A notice by the company to the clerk of the local municipality under the provisions of this section may be in the form or to the effect following:

To the clerk of (*describing the municipality*),

Take notice that (*here insert the name of the company so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors of said company requires that hereafter and until this notice is either withdrawn or varied so much of the property of the company assessable within (*giving the name of the municipality*), and hereinafter specially designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth of all real property, and one-fifth of all personal property of said company, liable to assessment in said municipality.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of said company.

- (3) Any such notice given in pursuance of a resolution in that behalf of the directors of the company shall for all purposes be deemed to be sufficient, and every such notice so given shall be taken as continuing and in force and to be acted upon unless and until the same is withdrawn, varied or cancelled by any notice subsequently given, pursuant to any resolution of the company or of its directors.
- 10 (4) Every such notice so given to any such clerk shall remain with and be kept by him on file in his office, and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect any assessment roll, and the assessor shall in each year, before the completion and return of the assessment roll, search for and examine all notices as may be so on file in the clerk's office, and shall thereupon in respect of said notices (if any) follow and conform thereto and to the provisions of this Act in that behalf.
- 20 (5) The word "company" in this section shall mean and include any body corporate.
- 25

- 54.—(1) The trustees of separate schools forming a body corporate under this Act shall have the power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of such schools, and shall, for the purpose of collecting such school rates or subscriptions, have all the powers in respect of separate schools that the collector of taxes in municipalities have and possess under the provisions of *The Municipal Act*. R. S. O. c. 206, s. 24. Powers of trustees.
- 30

- (2) If the collector appointed by the trustees of any separate school is unable to collect that portion of any school rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the trustees shall make a return to the clerk of the municipality, before the end of the then current year, of all such parcels of land and the uncollected rates thereon. Rates on land of non residents to be returned to the clerk of the municipality.
- 40

(3) The clerk of the municipality shall make a return to the county, city, town or village treasurer of all such lands, and the arrears of separate school rates thereon.

(4) Such arrears shall be collected and accounted for by such treasurer in the same manner as the arrears of other taxes. 5

(5) The township, village, town or city council in which such separate school is situate, shall make up the deficiency arising from uncollected rates on land liable to assessment, out of the general funds of the municipality. R. S. O. c. 204, s. 102 (16, a, b, c, d, e). 10

Trustees may
copy assess-
ment roll of
municipality.

55. The clerk or other officer of a municipality within, or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the said municipality, shall allow any one of the said trustees or their authorized collector to make a copy of such roll in so far as it relates to the persons supporting the separate school under their charge. 15

Collector of
school rates.

56. It shall be the duty of every municipal council, if so requested by the trustees of any separate school at or before the meeting of such council in the month of August in any year, to cause, through their collectors and other municipal officers, to be levied in each year, upon the taxable property liable to pay the same, all sums of money for rates or taxes legally imposed thereon in respect of separate schools by competent lawful authority in that behalf and at their request, and such council shall account annually for the sums so to be collected, and any expenses attending the assessment, collection or payment of school rates by the municipal council, or any of its officers, for the trustees entitled thereto, shall be payable by the municipality, and the said rates, as and when collected, shall within a reasonable time thereafter, and not later than the fourteenth day of December in each year, be paid over to the trustees, without any deduction whatever. 43 V. c. 32, s. 4 (*amended*). 20 25 30

Agreements
between muni-
cipality and
separate
school trust-
ees as to pay-
ment in lieu
of separate
school rate.

57. Any board of separate school trustees, and the council of any municipality (three-fifth of whose members are not separate school supporters), may enter into an agreement for a term of years, that for each year of the said term, and at such times and in such sums as may be agreed upon, there shall in lieu of and as being the amount to be levied and collected in such year for separate school purposes, be paid by said municipality to said board a fixed proportion of the total amount levied and collected within the municipality in and for such year for both public and separate school purposes; provided always, that if in and for any such year the rate in the dollar of assessment actually levied for separate school purposes within said municipality is not the same as that actually levied therein for public school purposes, then said agreement shall not be in force for or apply to such last mentioned year; provided also that any agreement made as aforesaid may be determined at the end of any calendar year on giving six months' notice by either of the parties thereto to the other party. 47 V. c. 45, s. 2. 35 40 45 50

Proviso.

58. The county inspector of public schools shall, before distributing the county rate among the public school sections, deduct the amount certified to him by the clerk of any municipality in which any separate school section or part of a section is situate, according to the list given by such clerk, of the supporters of separate schools against whom the county rate for public school purposes has been placed, and rated, and shall give the trustees of the separate school section an order on the county treasurer or sub-treasurer for the amount so placed and rated, and it shall be the duty of such treasurer or sub-treasurer to pay over the same. 44 V. c. 30, s. 9, sub-s. 3.

59.—(1) The trustees of any separate school shall have full power as a body corporate to borrow money for school purposes, and to make valid mortgages and other instruments for the security and payment of such borrowed money, or of any moneys payable or to be paid for school sites, school buildings, or additions thereto, or the repairs thereof, upon the school house property and premises, or any other real or personal property vested in them, or upon the separate school rates, and each ratepayer who was a separate school supporter at the time when the loan was effected on the security of said rates or property shall, while resident within the section or municipality within which such separate school is situate, continue to be liable for the rate to be levied for the repayment of such loan. 42 V. c. 34, s. 24.

(2) The principal money representing any sum so borrowed may, in the mortgage or other instrument securing the repayment thereof, be made payable in annual or other instalments, with or without interest, and the said trustees, in addition to all other rates or moneys which they may now levy in any one year, shall also have power and authority to levy and collect such further sum or sums as in each year may be requisite for paying all principal money and interest falling due in such year under the terms of such mortgage or other instrument aforesaid, and the said sums shall be levied and collected in each year in the same manner and form, and from the like persons and property by, from, upon or out of which other separate school rates may now be levied and collected. 42 V. c. 34, s. 24 (2).

60. Every separate school shall be entitled to a share in the fund annually granted by the Legislature of this Province for the support of public schools, and shall be entitled also to a share in all other public grants, investments and allotments for public school purposes now made or hereafter to be made by the province or the municipal authorities, according to the average number of pupils attending such school during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township. R. S. O. c. 206, s. 37.

61. Nothing herein contained shall entitle any such separate school within any city, town, incorporated village or township, to any part or portion of school moneys arising or accruing from local assessment for public school purposes within the

Separate school amounts to be deducted.

Borrowing powers of trustees of separate schools.

Separate schools entitled to a share of the public grant.

But not to any share of local assessment for public schools.

city, town, village, or township, or the county or union of counties within which the city, town, village or township is situate. R. S. O. c. 206, s. 38.

Certificates
to teachers of
separate
schools.

62. The teachers of any separate school under this Act shall be subject to the same examinations, and receive their certificates 5 of qualification, in the same manner as public school teachers generally; but the persons qualified by law as teachers, either in the Province of Ontario, or, at the time of the passing of the British North America Act, in the Province of Quebec, shall be considered qualified teachers for the purpose of this Act. R. S. 10 O. c. 206, s. 30.

Return to be
transmitted by
trustees.

63. The trustees of each separate school shall, on or before the thirtieth day of June and the thirty-first day of December of every year, transmit to the Minister of Education a correct return of the names of the children attending such school, 15 together with the average attendance during the six next preceding months, or during the number of months which have elapsed since the establishment thereof, and the number of months it has been so kept open; and the Minister shall thereupon determine the proportion which the trustees of such 20 separate school are entitled to receive out of the Legislative grant, and shall pay over the amount thereof to such trustees. R. S. O. c. 206, s. 41.

Visitors of
separate
schools.

64. The Minister of Education, all judges, members of the Legislature, the heads of the municipal bodies in their respec- 25 tive localities, the inspectors of public schools, and the clergymen of the Roman Catholic Church, shall be visitors of separate schools. R. S. O. c. 206, s. 42.

Inspection of
schools by
Minister of
Education.

65. The Roman Catholic separate schools (with their registers) shall be subject to such inspection as may be directed 30 from time to time by the Minister of Education, and shall be subject also to such regulations as may be imposed from time to time by the Education Department. R. S. O. c. 206, s. 43.

Model schools
for teachers
separate
schools.

66. The Education Department may authorize a separate school in any county to be constituted a model school for the 35 training of teachers for separate schools, subject to the regulations of the department, and where in any county such model school has been established, or from the special circumstances of the separate schools therein, the Minister of Education should deem it expedient, he may recommend for appointment 40 by the Lieutenant-Governor in Council some one competent person possessing qualifications prescribed by the Education Department to be a member of the county board of examiners of such county in addition to the number now authorized, and who shall possess and discharge the like powers and duties as 45 the other members of said board. 42 V. c. 34, s. 27.

67. In the case of a separate school established under this Act in any city, town, or incorporated village in which a high school is established, it shall be lawful for the trustees of such separate school to appoint any ratepayer (not one of them- 50 selves) as trustee of such high school, provided always that in the case of a united high and public school board such trustee

shall not take any part in the proceedings of such board in regard to any matter affecting the public school.

68. In the event of any disagreement between trustees of Roman Catholic separate schools and inspectors of public schools, or other municipal authorities, the case in dispute shall be referred to the equitable arbitrament of the Minister of Education, subject, nevertheless, to appeal to the Lieutenant-Governor in Council, whose award shall be final in all cases R. S. O. c. 206, s. 44.

Disagreement between trustees, inspectors, etc.

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Superannuation.

69. From and after the date of this Act, every teacher or inspector whose name is entered as having paid into the fund for the support of superannuated teachers, may contribute to such fund in such manner as may be prescribed by the Education Department, the sum of at least \$4 annually.

Superannuation fund.

70. On the decease of any teacher or inspector, his wife, her husband, or other legal representative, shall be entitled to receive back the full amount paid into the Superannuation Fund by such teacher or inspector, with interest at the rate of seven per cent. per annum. R. S. O. c. 204, s. 169.

Repayment to wife, etc., of deceased teacher.

- 71.—(1) Every teacher or inspector who, while engaged in his profession, contributes to the Superannuated Teachers' Fund as provided by this Act, shall on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of \$6 per annum, for every year of such service in Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as teacher or inspector. R. S. O., c. 204, s. 170.

Right of teacher to retire on reaching sixty years of age.

- (2) Every pension payable under this Act may be supplemented out of local funds by any municipal council, public school board or board of education, at its pleasure. R. S. O. c. 204, ss. 89 (2), 105 (4), 170 (2).

Supplementary pension.

- (3) To remove doubts, nothing in this section contained, shall be held as applying to any person who, prior to 1871, had ceased to be engaged in his profession as a teacher, and has not heretofore contributed to the said fund, and no payment for arrears shall be received after the 1st day of July, 1886.

Application of section.

72. Every teacher or inspector under sixty years of age, who has contributed, as aforesaid, and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and by furnishing to the Education Department from time to time, in addition thereto, satisfactory evidence of his being disabled. R. S. O. c. 204, s. 171.

Teachers under sixty.

73. Every teacher entitled to receive an allowance from the Superannuated Teachers' Fund, who holds a first or second class provincial certificate, or a first-class county board certificate, or who is an authorized head master of a high school or collegiate institute, shall in addition to said allowance or pension, be entitled to receive a further allowance at the rate of \$1 per

\$1 per annum extra to certain teachers.

annum for every year of service while he held such certificate, or while he acted as head master of a high school or collegiate institute. R. S. O. c. 204, s. 172.

Proviso in regard to good moral character.

74. The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when requested) to the satisfaction of the Education Department. R. S. O. c. 204, s. 173. 5

Teacher resuming profession.

75. If any pensioned teacher or inspector shall, with the consent of the Education Department, resume the profession of teaching or inspecting, the payment of his allowance shall be suspended from the time of his being so engaged. R. S. O. c. 204, s. 174. 10

Again retiring.

76. In case of his again being placed by the Education Department on the superannuation list, a pension for the additional time of teaching shall be allowed him, on his compliance with this Act, and the regulations of the Education Department. R. S. O. c. 204, s. 175. 15

Forfeiture of claim.

77. Any teacher or inspector who, having resumed his profession, draws or continues to draw upon the Superannuation Fund for any part of his allowance as a superannuated teacher, shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers. 20

Teachers not availing themselves of Act.

78. In the case of those teachers or inspectors who may not avail themselves of the provisions of sections 192 or 202 of this Act, the provisions of sections 193 to 202 inclusive shall apply so far as relates to all sums of money already paid into the fund for the support of superannuated teachers. 25

Repayment to contributors.

79. Any teacher who retires from the profession, or any teacher or inspector who desires to remove his name from the list of contributors to the Superannuated Teachers' Fund, shall be entitled to receive back from the Minister of Education one-half of any sums paid in by him or her to the fund, through the public school inspector, or otherwise. R. S. O. c. 204, s. 168. 30 35

Holidays.

Terms.

80.—(1) The separate school year shall consist of two terms: the first shall begin on the 3rd day of January, and end on the 1st day of July; the second shall begin on the 3rd Monday of August, and end on 23rd day of December. Every Saturday, every statutory holiday, and every day proclaimed a holiday by the municipal authorities in which the school section or division is situated, shall be a holiday in the separate schools. R. S. O. c. 204, ss. 13, 14; 43 V. c. 32, s. 1. 40

(2) In the case of cities, towns and incorporated villages the school terms shall be the same as the terms prescribed for high schools. 45

Penalties and Prohibitions.

81. No person shall wilfully make a false declaration of his right to vote at any school meeting or election of school trustees; and any person convicted of a contravention of this section, upon the complaint of any person, shall be punishable by fine or imprisonment, at the discretion of the Court of General Sessions, or by a penalty of not less than \$5, or more than \$10, to be sued for and recovered with costs before a Justice of the Peace, by the Separate School trustees of the city, town, village or school section for its use. R. S. O. c. 304, s. 24. Penalty for making a false declaration.

82. No trustee of a separate school shall hold the office of separate school Inspector, or be a master or teacher in the Separate School of which he is a trustee: nor shall the master or teacher of any public, high or separate school hold the office of trustee of a separate school, nor shall an inspector be a teacher or trustee of any separate school while he holds the office of inspector. R. S. O. c. 205, s. 212. Trustees not to hold certain offices.

83. Any trustee who is convicted of any felony or misdemeanor, or becomes insane, or absents himself from the meetings of the board for three consecutive months, without being authorized by resolution entered upon its minutes, or ceases to be a resident within the school municipality for which he is a trustee, shall *ipso facto* vacate his seat, and the remaining trustees shall declare his seat vacant, and forthwith order a new election. R. S. O. c. 204, s. 38. Seat vacated by conviction for crime, etc.

84. Any trustee who has any pecuniary interest, profit or promise, or expected benefit in, or from any contract, agreement or engagement, either in his own name, or the name of another with the corporation of which he is a member, or who receives, or expects to receive any compensation for any work, engagement, employment or duty, on behalf of such corporation, shall *ipso facto* vacate his seat, and every such contract, agreement, engagement or promise shall be null and void, and the remaining trustees, or a majority of them, shall declare the seat vacant, and forthwith order a new election. R. S. O. c. 204, s. 225; 44 V. c. 30, s. 13. Seat vacated by interest in contract with corporation.

85. Any person who wilfully disturbs, interrupts or disturbs the proceedings of any school meeting authorized to be held by this Act, or any one who wilfully interrupts or disturbs any separate school established and conducted under its authority, or other school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a justice of the peace, on the oath of one credible witness, forfeit and pay for separate school purposes to the school section, city, town, or village within which the offence was committed, a sum not exceeding \$20, together with the costs of the conviction, as the said justices may think fit. R. S. O. c. 204, s. 249. Penalty for disturbing a school or school meeting.

86. If any person chosen as trustee refuses to serve, he shall forfeit the sum of \$5. R. S. O. c. 204, s. 236. Penalty for refusing to serve as trustee.

Penalty for
refusing to per-
form duties.

87. Every person so chosen who has not refused to accept the office, and who at any time refuses, or neglects to perform its duties, shall forfeit the sum of \$20, to be sued for and recovered before a justice of the peace, by the trustees of the school section, or by any person whatsoever for its use, as authorized by this Act. R. S. O. c. 204, s. 237.

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Penalty for
refusing to
exercise
corporate
powers.

88. If the trustees of any separate school wilfully neglects or refuses to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them : any trustee or trustees so neglecting or refusing to exercise such power shall be held to be personally responsible for the fulfilment of such contract or agreement. R. S. O. c. 204, s. 238.

Liability for
neglect to take
security.

89. If the trustees of any separate school refuse, or neglect to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, they shall be held personally responsible for the moneys. R. S. O. c. 204, s. 229.

Responsibility
in case of lost
school moneys.

90. If any part of the separate school fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost ; and such sums may be recovered from him or them, by the person entitled to receive the same, by action at law, in any court having jurisdiction to the amount, or by information at the suit of the Crown. R. S. O. c. 204, s. 230.

Penalty on
secretary-
treasurer,
or trustee for
refusing to
account.

91.—(1) No secretary-treasurer appointed by the trustees of any separate school, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect, or refuse to deliver up, or account for, and pay over the same, or any part thereof to the person, and in the manner directed by a majority of such trustees then in office, or by other competent authority ; and such withholding, neglect, or refusal to deliver up or account for, shall be punishable, as provided in the three following sections of this Act. R. S. O. c. 204, s. 231.

Mod of
proceeding.

(2) Upon application to the Judge of the County Court, by a majority of the trustees, or by any two supporters of the separate school supported by their affidavit made before some justice of the peace, of such wrongful withholding or refusal, the judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him, at a time and place to be appointed in the order. R. S. O. c. 204, s. 232.

(3) Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the person complained against, or leave the same with a grown-up person at his residence. R. S. O. c. 204, s. 232 (2).

92. At the time and place so appointed, the Judge being Judge to issue satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded the Judge shall order the person complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax. R. S. O. c. 204, s. 233.

93. In the event of a non-compliance with the terms specified in such order, or any, or either of them, the Judge shall order the said person to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the Judge be satisfied that the person has delivered up, accounted for, or paid over the books, papers, chattels, or moneys in question, in the manner directed by the majority of the trustees, or other competent authority, as aforesaid; upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly. R. S. O. c. 204, s. 234. Effect of non-compliance with Judges' order.

94. No such proceeding shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. R. S. O. c. 204, s. 235. Other remedy not affected.

95. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of a separate school, or either of them, with any papers or information in their power, and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any separate school supporter, shall be punished by fine or imprisonment, as provided by this Act. R. S. O. c. 204, s. 239. Penalty on trustees refusing information, etc., to auditors.

96.—(1) In case the trustees of any Separate school neglect to transmit to the Minister of Education, on or before the 30th day of June, and the 31st day of December in every year, a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months. Penalty for neglect to send half-yearly returns.

(2). The trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. R. S. O. c. 204, s. 240 and (2).

97. In case the trustees of any separate school neglect to prepare and forward the aforesaid annual report to the Minister of Education by the 15th day of January in every year, each of them shall, for every week after such 15th day of January, and until such report has been prepared and presented, forfeit the sum of five dollars, to be sued for by any supporter of such Penalty for delaying yearly report.

separate school and collected and applied in the manner provided for by this Act. R. S. O. c. 204, s. 241.

Penalty for false school reports and registers.

98.—(1) If any trustee of a separate school knowingly signs a false report, or if any teacher of a separate school keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the board of separate school trustees for the purposes of such separate school the sum of \$20, for which any person whatever may prosecute him before a justice of the peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor. 5 10

Recovery by distress.

(2) If upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the justice, be levied with costs by distress and sale of the goods and chattels of the offender. 15

Application of penalty.

(3) The penalty when so paid or collected, shall by the Justice be paid over to the said separate school. R. S. O. c. 204 s. 242, (2), (3).

Trustees personally responsible for moneys lost.

99.—(1) The trustees of every separate school shall be personally responsible for the amount of any school moneys forfeited by or lost to the separate school in consequence of the neglect of duty of the trustees during their continuance in office. 20

(2) The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. R. S. O. c. 204, s. 228 and (2). 25

How Fines and Penalties may be Recovered.

How penalties under this Act shall be recoverable.

100.—(1) Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced with costs, by and before any Police Magistrate or justice of the peace having jurisdiction within the school section, city, town, or village in which such fine or penalty has been incurred. 30

(2) If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting justice, be enforced, levied and collected with costs by distress and sale of the goods and chattels of the offender, and shall be by the police magistrate or justice paid over to the school treasurer of the separate school, city, town, or village, or other party entitled thereto. 35 40

(3) In default of such distress the police magistrate or justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same unless sooner paid. R. S. O. c. 204, s. 250. 45

No. 50.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting Separate Schools.

First Reading, 3rd March, 1886.

Mr. ROSS,
Middlesex

TORONTO:
PRINTED BY WARREN & SOONS, 26 AND 28 FRONT ST. W.

An Act respecting Separate Schools.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Separate Schools Act*, Short title.
5 1886."

2. Chapter 206 of the Revised Statutes of Ontario, entitled "An Act respecting Separate Schools," and all other Acts and parts of Acts inconsistent with this Act are hereby repealed.

Conditions on which separate schools for Protestant or coloured people may be established.

10 PROTESTANT AND COLOURED SEPARATE SCHOOLS.

3.—(1) Upon the application in writing of *five* or more heads of families resident in any township, city, town or incorporated village, being protestants, the municipal council of the said township or the board of school trustees of any such city,
15 town or incorporated village, shall authorize the establishment therein of one or more Separate Schools for Protestants; and upon the application in writing of *five* or more heads of families resident in any township, city, town or incorporated village, being coloured people, the council of such township or
20 the board of school trustees of any such city, town or incorporated village, shall authorize the establishment therein of one or more Separate Schools for coloured people, and in every such case, such council or board, as the case may be, shall prescribe the limits of the section or sections of such
25 schools.

(2). No person shall be a supporter of any Separate School for coloured people unless he resides within three miles in a direct line of the site of the school house for such Separate School.

Limits.

30 4. There shall be three trustees for each Separate School and the first meeting for the election of such trustees shall be held and conducted in the manner and according to section 28 of this Act.

Three trustees
Election same as in public schools.

5. On the twenty-fifth day of December next, following the date of the application mentioned in section 3 of this Act, each such Separate School shall go into operation, and shall, with respect to the persons for whom any *such* school has been established, be under the same regulations as Public Schools generally.

Commence-
ment and
regulations.

Voters
defined.

6. None but coloured people shall vote at the election of trustees of any Separate School established for coloured people, and none but the persons petitioning for the establishment of, or sending children to, a Protestant Separate School shall vote at the election of trustees of such school.

5

Union of
wards in cities
and towns.

7. In any city or town the persons who make application, according to the provisions of the *third* section of this Act may have a separate school in each ward, or in two or more wards united, as the said persons may judge expedient.

Special condi-
tions.

8. No Protestant separate school shall be allowed in any 10 school section, except when the teacher of the public school in such section is a Roman Catholic.

Exemption
from public
school rates.

9. In all cities, towns, incorporated villages and township public school sections in which such separate schools exist, each protestant or coloured person (as the case may be) sending 15 children to any such school, or supporting the same by subscribing thereto annually an amount equal to the sum at which such person, if such separate school did not exist, must have been rated in order to obtain the annual Legislative public school grant, shall be exempt from the payment of all rates 20 imposed for the support of the public schools of such city, town, incorporated village and school section respectively, and of all rates imposed for the purpose of obtaining such public school grant.

Such exemp-
tion condi-
tional.

10. The exemption from the payment of school rates, as 25 herein provided, shall not extend beyond the period during which such persons send children to or subscribe as aforesaid for the support of such separate school; nor shall such exemption extend to school rates or taxes imposed or to be imposed to pay for school-houses, the erection of which was undertaken 30 or entered into before the establishment of such separate school.

Not to share
in municipal
assessment.

11. Such separate schools shall not share in any school money raised by local municipal assessment for public school purposes.

35

Share of legis-
lative school
grant deter-
mined.

12. Each such separate school shall share in such Legisla- tive public school grant according to the yearly average num- ber of pupils attending such separate school, as compared with the average number of pupils attending the public schools in each such city, town, incorporated village or township; the 40 mean attendance of pupils for winter and summer being taken.

Half-yearly
returns to the
inspector.

13. The trustees of each of such separate school shall, on or before the thirtieth day of June, and thirty-first day of December of each year, transmit to the county inspector a cor- 45 rect return of the names of all Protestant or coloured persons (as the case may be) who have sent children to, or subscribed as aforesaid for the support of, such separate school during the then last preceding six months, and the names of the children sent, and the amounts subscribed by them respectively, together 50

with the average attendance of pupils in such separate school during such period.

14. The county inspector shall, upon the receipt of such return, forthwith make a return to the clerk of the municipality in which such separate school is established, stating the names of all the persons who, being Protestants or coloured persons, (as the case may be), contribute or send children to such Separate school.

Inspector to report to clerk and trustees.

15. Except for any rate for building school-houses under- taken before the establishment of such separate school, the clerk shall not include in the collector's roll for the general or other school rate, and the trustees or board of trustees shall not include in their school rolls any person whose name appears upon such last mentioned return.

Clerks and trustees to exempt from rates supporters of separate schools.

16. The clerk or other officer of the municipality within which such separate school is established, having possession of the assessor's or collectors roll of the said municipality, shall allow any one of the said trustees, or their authorized collector, to make a copy of such roll as far as it relates to their school section.

Clerk to allow use of assessor's roll.

17. The provisions of sections 29 to 40 inclusive of this Act, shall apply to the trustees and teachers of such separate schools.

18. The trustees of each such separate school shall be a body corporate under the name of "The Trustees of the Protestant Coloured or Separate School of (as the case may be), in the township (city or town, as the case may be) of , and shall have such power to impose, levy and collect school rates or subscriptions, upon and from persons sending children to, or subscribing towards the support of, the separate school as are provided in section 54 of this Act.

Separate school trustees to have same power as public school trustees.

ROMAN CATHOLIC SEPARATE SCHOOLS.

19. The sections and provisions hereinafter in this Act contained are enacted in respect of separate schools for Roman Catholics, whether now or hereafter established.

20. Unless otherwise declared or indicated by the context, wherever, in any of the sections or provisions hereinafter in this Act contained, any of the following words or expressions occur, they shall have the meaning hereinafter expressed, that is to say :

(1) The expression "rural school" shall signify and mean a separate school for Roman Catholics now or hereafter established within a township ;

(2) The expression "urban school" shall signify and mean a separate school for Roman Catholics now or hereafter established within a city, town or incorporated village ;

(3) The expression "separate school" shall signify and mean a separate school for Roman Catholics now or hereafter established.

Union of
wards in
towns or
cities.

21. The trustees of separate schools for Roman Catholics heretofore elected, or hereafter to be elected, according to the provisions of this Act, in the several wards of any city or town, or incorporated village shall form one body corporate, under the title of "The Board of Trustees of the Roman Catholic Separate Schools for the City (or Town) or incorporated village of ."

Five heads of
families being
Roman Catho-
lics may call a
meeting for a
separate
school.

22. Any number of persons, not less than five, being heads of families, and householders or freeholders resident within any school section of any township, incorporated village or town, or within any ward of any city or town, and being Roman Catholics, may convene a public meeting of persons desiring to establish a separate school for Roman Catholics in such school section or ward, for the election of trustees for the management of the same. R. S. O. c. 206, s. 19.

Election of
separate
school trus-
tees.

23. A majority of the persons present, being householders or freeholders, and Roman Catholics, and not candidates for election as trustees, may, at such meeting, elect three persons resident within such section or an adjoining section, to act as trustees for the management of such separate school. R. S. O. c. 206, s. 20.

Written
notice of such
meeting to be
given, and to
whom and in
what manner.

24. Notice in writing that such meeting has been held, and of such election of trustees, shall be delivered by one of the trustees so elected to the reeve or head of the municipality, or to the chairman of the board of public school trustees, in the township, incorporated village, town or city in which such school is about to be established, designating by their names, occupations and residences, the persons elected in the manner aforesaid, as trustees for the management thereof; and it shall be the duty of the officer receiving the same to endorse thereon the date of the receipt thereof, and to deliver a copy of the same so endorsed and duly certified by him to such trustee and from the day of the delivery and receipt of every such notice, or in the event of the neglect or refusal of such officer to deliver a copy so endorsed and certified, then from the day of the delivery of such notice the trustees therein named shall be a body corporate, under the name of "The Trustees of the Roman Catholic Separate School for the section number , in the Township of , or for the ward of , in the City or Town (as the case may be), or for the Village of , in the County of ." R. S. O. c. 206, s. 21.

Corporate
name of trus-
tees.

RURAL SEPARATE SCHOOLS.

Trustees' term
of office.

25. For each rural school there shall be three trustees, each of whom, after the first election of trustees, shall hold office for three years, and until his successor has been elected. R. S. O. c. 204, ss. 17, 48.

26. Any person being a British subject, not less than twenty-one years of age, may be elected as a trustee whether he be a householder or freeholder or not.

Electors,
qualification
of.

27. Every householder or freeholder of the full age of twenty-one years, who is a supporter of a rural separate school, shall be entitled to vote at any election for school

trustee, or on any school question whatsoever, at any annual or special meeting of the supporters of such school. R. S. O. c. 204, s. 52.

28.—(1) The trustees of every rural school shall hold office
 5 and be elected as hereinafter provided, and the time and mode of election, appointment and duties of chairman and secretary at the annual meeting, term of office and manner of filling up vacancies, shall likewise be as hereinafter provided, that is to say :

As to time and mode of elections.

10 (2) A meeting of the supporters of such rural school shall be held annually on the last Wednesday of December, or if such Wednesday be a holiday, then on the next day following, commencing at the hour of ten o'clock in the forenoon, for the purpose (among other things) of electing a school trustee or
 15 trustees. R. S. O. c. 204, s. 39 ; 42 V. c. 34, s. 9.

Annual meeting, when held.

(3) In case from the want of proper notice or other cause, any first or annual meeting of separate school supporters, required to be held for the election of trustees, was not held at the proper time, any two supporters of such separate school
 20 may call a school meeting, by giving six days' notice, to be posted in at least three of the most public places in the locality in which the school is situate ; and the meeting thus called shall possess all the powers and perform all the duties of the meeting in the place of which it is called. R. S. O. c. 204, s. 53.

Meetings to be called in default of first or annual meetings.

(4) The supporters of such separate school present at such meeting shall elect one of their own number to preside over its proceedings, and shall also appoint a secretary who shall record the proceedings of the meeting and perform such
 30 other duties as may be required of him by this Act. R. S. O., c. 204, s. 45.

Order of business.

(a) The business of such meeting may be conducted in the following order : receiving the annual report of the trustees, and disposing of the same ; receiving the
 35 annual report of the auditor or auditors, and disposing of the same ; electing an auditor for the current year ; miscellaneous business ; electing a trustee or trustees to fill any vacancy or vacancies.

(5) The chairman shall preside and submit all motions to the
 40 meeting in the manner desired by the majority. In case of an equality of votes, he shall give the casting vote but no other vote. He shall decide all questions of order subject to an appeal to the meeting. R. S. O. c. 204, ss. 46 and 47 ; 42 V. c. 34, s. 34.

Chairman, duties of.

(6) When a poll is demanded by two supporters of a rural school at the meeting for the election of a trustee, the chairman shall forthwith grant the same, and the secretary shall thereupon immediately proceed to record, as herein directed, the names of all qualified supporters of such rural
 50 school who shall present themselves within the time prescribed by this Act, and the secretary shall enter in the poll-book, in separate columns, the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the supporters offering to vote at
 55 the election, and shall, in the column on which is entered

Proceedings in case of a poll.

the name of a candidate voted for by a supporter, set the figure "1" opposite the supporter's name, with the residence of such supporter. R. S. O. c. 204, s. 47 ; 42 V. c. 34, s. 6.

- Entries in poll book.** (7) In case a poll is demanded upon any rural school question by any two supporters, the name of each supporter shall be similarly placed in separate columns marked "for" or "against." 42 V. c. 34, s. 6. 5
- When voter is objected to.** (8) In case any objection is made to the right of any person to vote at any such annual or special meeting, either for trustee or upon any school question, the chairman of the meeting, or other officer presiding, shall require the person whose right of voting is objected to, to make the following declaration or affirmation : 10
- Declaration.** (a) I, A.B., do declare and affirm, that I am an assessed householder or freeholder in Separate School Section 15
- (b) That I am of the full age of 21 years.
- (c) That I am a supporter of the Roman Catholic Separate School in said School Section No.
- (d) That as such supporter I have the right to vote at this meeting of the supporters of such school. 20
- Whereupon the person making such declaration shall be entitled to vote. 42 V. c. 34, s. 3.
- When poll shall close.** (9) The poll at any such election of a Separate School trustee or trustees, or on any school question, shall not close before eleven o'clock in the forenoon, but may close at any time thereafter when a full hour has elapsed without any vote having been polled, and shall not be kept open later than four o'clock in the afternoon of the day on which the election is commenced. R. S. O. c. 204, s. 41. 25
- Term for vacancies.** (10) Any trustee elected to fill a vacancy shall hold office only for the unexpired term of the person in whose place he has been elected. R. S. O. c. 204, s. 37. 30
- Trustees may resign.** (11) Any such trustee may resign with the consent, expressed in writing, of his colleagues in office. R. S. O. c. 204, s. 20. 35
- Re-election of any trustees lawful.** (12) Any retiring trustee may be re-elected with his own consent, otherwise he shall be exempted from serving for four years next after leaving office. R. S. O. c. 204, s. 36. 40
- Term of office of each trustee.** (13) The trustees elected at a first rural school meeting shall respectively continue in office as follows :—
- (a) The first person elected shall continue in office for two years, to be reckoned from the annual school meetings next after his election, and thence until his successor has been elected ; 45
- Second.** (b) The second person elected shall continue in office for one year, to be reckoned from the same period, and until his successor has been elected ;
- Third.** (c) The third, or last person elected, shall continue in office until the next ensuing annual school meeting and until his successor has been elected. R. S. O. c. 204, s. 49.
- Copy of minutes to be sent to inspector.** (14) A correct copy of the minutes of a first and of every annual, and of every special school meeting, signed by 50

the chairman and secretary, shall be forthwith transmitted by the chairman of such meeting to the Education Department. R. S. O. c. 204, s. 50.

Duties of Trustees.

5 **29.**—(1) The trustees of every rural school shall have power and shall perform duties similar to those of the trustees of public schools in school sections, that is to say :

(2) Every Board of rural school trustees (a majority of whom shall form a quorum) shall be constituted by the election
10 of a chairman and a secretary-treasurer. See R. S. O. c. 204, s. 98, 102 (1).

(a) The secretary-treasurer, who may be a member of the Board, shall give such security as may be required by a majority of the trustees and such
15 security shall be deposited with the chairman of the board of separate school trustees. R. S. O. c. 204, s. 102, (1) 1 a part and 6.

(3) It shall be the duty of the secretary-treasurer :

20 (a) To keep a full and correct record of the proceedings of every meeting of the board in the minute-book provided by the trustees for that purpose, and to see that the minutes, when confirmed, are signed by the chairman or presiding trustee ;

25 (b) To receive all school moneys collected from the supporters of such school, and to account for the same ;

(c) To disburse all moneys in the manner directed by a majority of the trustees ;

30 (d) To produce, when called for by the trustees, auditors or other competent authority, all papers and moneys belonging to the corporation ;

(e) To call at the request in writing of two trustees a special meeting of the Board of Trustees. R. S. O. c. 206, ss. 100, 102, (1a), (5b), part.

35 (4) Notice of all meetings shall be given by the Secretary to each of the trustees, or by any one of the trustees to the others, by notifying them personally, or in writing, or by sending a written notice to their residences. R. S. O. c. 204, s. 97. Secretary-treasurer, duties of.

40 (5) No act or proceeding of a rural school corporation which is not adopted at a regular or special meeting of the trustees, shall be valid or binding on any person affected thereby, unless notice has been given as required by this Act and unless at least two trustees are present. R. S. O. c. 204, s. 99. Corporate acts must be adopted at lawful trustee meetings.

45 (6) Every board of rural school trustees shall annually, on or before the first day of December, appoint an auditor, and in case of their neglect, or the neglect of the ratepayers at an annual or special meeting to do so, or in case of an auditor being appointed or elected who refuses, or is unable to act, Appointment of auditor.

then the Minister of Education may (at the request in writing of any five supporters of such rural school) make such appointment. R. S. O. c. 204, s. 102 (3), (8a).

(7) It shall be the duty of the trustees, or their secretary-treasurer, to lay all their accounts before the auditors of the school, or either of them, together with the agreements, vouchers, contracts and books in their possession, and such trustees or their secretary-treasurer, shall afford to the auditors, or either of them, all the information in their or his power as to the receipts and expenditures of school moneys. 10

Meetings to be appointed by the trustees.

(8) The trustees shall appoint the place of each annual school meeting of the supporters of the school for which they are the trustees; and the time and place of a special meeting of the same for (1) the filling up of any vacancy or vacancies in the trustee corporation occasioned by death, removal, or other cause; or (2) for the selection of a new school site; (3) the appointment of a school auditor; or (4) any other lawful school purpose, as they may think fit and proper; and to cause notices of the time and place, and of the objects of such meetings, to be posted in three or more public places of the neighborhood in which the school is situate at least six days before the time of holding such meeting. R. S. O. c. 204, s. 102, (25). 15 20

Filling vacancies.
Notice.

Adequate accommodation.

(9) The trustees shall provide adequate accommodation and a legally qualified teacher or teachers, according to the provisions of this Act or the regulations prescribed by the Education Department, for all children between the ages of five and twenty-one years, belonging to the supporters of their school. R. S. O. c. 204, s. 102 (8), (17). 25

Apply to municipality for school moneys.

(10) Every such board may apply to the township council at or before its meeting in August for the levying and collecting by rate, all sums for the support of their school or schools, and for any other school purposes authorized by this Act to be collected from the supporters of such separate school. R. S. O. c. 204, s. 102 (12). 30

Arrange payment of salaries.

(11) The trustees shall arrange for the payment of teachers' salaries quarterly and, if necessary, to borrow on their promissory note, under the seal of the corporation, at interest not exceeding eight per cent. per annum, such moneys as may be required for that purpose, until the taxes imposed therefor are collected. R. S. O. c. 204, s. 89 (1), 102 (11). 35 40

Repairing, etc., school house.

(12) The trustees shall keep the school-house, furniture, out-buildings, and enclosures in proper repair, and where there is no suitable school-house or where two or more school-houses are required, to build or rent a house or houses and to keep such house or houses, its or their furniture, outbuildings and enclosures in proper repair. R. S. O. c. 204, s. 102 (9 and 10). 45

Names and addresses of trustees and teachers to be given to Minister of Education.

(13) The trustees shall give notice in writing, before the 15th day of January in each year, to the Education Department, of the names and post-office addresses of the several trustees then in office, and of the teachers employed by them, and to give reasonable notice in writing, from time to time, of any changes therein. 45 V. c. 30, s. 4. 50

Exempt indigent persons.

(14) The trustees may exempt, in their discretion, from the payment of school rates, wholly or in part, any indigent persons; notice of such exemption, when the school rate is col- 55

lected by the municipality, shall be given by the trustees to the clerk of the municipality, on or before the 1st day of August. R. S. O. c. 204, s. 102 (9 and 10).

- (15) The trustees may dismiss from the school any pupil who shall be adjudged so refractory by the trustees (or by a majority of them), and the teacher, that his presence in school is deemed injurious to the other pupils, and where practicable, to remove such pupil to an industrial school. R. S. O. c. 204, s. 102 (22). Dismissal of refractory pupils.
- (16) Every board of such trustees shall take possession and have the custody and safe keeping of all school property which has been acquired or given for school purposes; and may acquire and hold as a corporation, by any title whatsoever, any land, moveable property, moneys or income given or acquired by the board at any time for school purposes, and shall hold or apply the same, according to the terms on which the same were acquired or received; and may dispose, by sale or otherwise, of any school site or school property not required by them in consequence of a change of school site, or other cause; and convey the same under their corporate seal, and apply the proceeds thereof to their lawful school purposes, or as directed by this Act. R. S. O. c. 205, s. 102 (6 and 7). Custody of school property.
Sale of school site or other property.
- (17) Such trustees shall visit, from time to time, every school under their charge, and see that it is conducted according to law and the authorized regulations, and shall provide school registers and a visitors' book, in the form prescribed by the Education Department. R. S. O. c. 204, s. 102 (21). Visit schools.
- (18) The trustees shall cause to be prepared and read at the annual meeting of the supporters of every rural school a report for the year then ending, containing, among other things, a summary of their proceedings during the year, together with a full and detailed account of the receipts and expenditure of all school moneys received and expended in behalf of such school for any purpose whatever, during such year, and signed by the trustees, and by either or both of the school auditors. R. S. O. c. 204, s. 102 (26). Report at annual meeting.
- (19) The trustees shall transmit to the Education Department the semi-annual returns on or before the 30th day of June, and 31st day of December respectively, and the annual return on or before the 15th day of January, in each year, according to the forms prescribed by the Education Department. R. S. O. c. 204, s. 102 (27 and 28 *a, b, c and d.*) Annual and semi-annual returns.
- 30.—**(1) It shall be lawful for the majority of the supporters of the rural school, in each separate school section, whether the sections be in the same or adjoining municipalities, at a public meeting duly called by the separate school trustees of each such section, to form such sections into a separate school union section, of which union of sections the trustees shall give notice within fifteen days to the clerk or clerks of the municipality or municipalities, and to the Minister of Education; and each such separate school union section thus formed shall be deemed one school section for all Roman Catholic separate school purposes, and shall every year thereafter be represented by three trustees, to be elected as provided in section 28 of this Act. Notice for union of school sections for a separate school.
Union formed.

Corporate
name of trus-
tees for union.

(2) And the said trustees shall form a body corporate, under the title of "The Board of Trustees of the Roman Catholic United Separate Schools for the United Sections Nos. (as the case may be) in the (as the case may be).

Separate School Boards in Cities, Towns, and Incorporated Villages. 5

31. Where in any city, town or incorporated village, a separate school is now or may hereafter be established, the following provisions shall apply:

Trustee in
city, etc.,
divided into
wards.

(1) For every ward into which any city, town or incorporated village is divided there shall be two school trustees, each of whom, after the first election of trustees, shall continue in office for two years, and until his successor has been elected. R. S. O. c. 204, ss. 22 and 23. 10

(2) One of the trustees in each ward (to be determined by lot at the first meeting of trustees after their election, which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other shall continue in office one year longer and then retire. R. S. O. c. 204, ss. 24, 58 (1) (2); 42 V. c. 34, s. 7. 15 20

Trustees in
village not
divided into
wards.

(3) In every incorporated village not divided into wards there shall be six trustees, each of whom, after the first election for trustees, shall continue in office for two years and until his successor has been elected; and 25

(4) Three of the trustees (to be determined by lot at the first meeting of trustees after their election which determination shall be entered upon the minutes) shall retire from office at the time appointed for the next annual school election, and the other three shall continue in office one year longer and then retire. R. S. O. c. 204, ss. 24, 58 (1) (2); 42 V. c. 34, s. 7. 30

Term of office.

(5) Every trustee shall continue in office until his successor has been elected, R. S. O. c. 204, s. 58.

Provisions for
elections of
trustees of
public school
corporations.

32.—(1) The annual and other meetings of urban school supporters, and meetings for the election of trustees and the annual and other meetings of urban school trustees, shall conform to and be subject to the following provisions: 35

Nominations.

(2) A meeting of the supporters of every such urban school for the nomination of candidates for the office of school trustee, shall take place at noon on the last Wednesday in the month of December annually, or if a holiday, on the day following, at such place as shall from time to time be fixed by resolution of the separate school board, and in municipalities divided into wards, in each ward thereof, if the board in its discretion thinks fit. 45

Returning
officer.

(3) The trustees of such urban school shall by resolution name the returning officer or officers to preside at the meeting or meetings for the nomination of candidates, and in case of the absence of such officer, the chairman chosen by the meeting shall preside, and the trustees shall give at least six days notice of such meeting. 50

- (4) If at such meeting only the necessary number of candidates to fill the vacant offices are proposed and seconded, the returning officer or person presiding, after the lapse of one hour, shall declare such candidates duly elected, and shall notify the secretary of the urban school board; but if two or more candidates are proposed for any one office, and a poll in respect of any such office is demanded by any candidate or urban school supporter, the returning officer or chairman shall adjourn the proceedings for filling such office until the first Wednesday of the month of January then next, when a poll or polls shall be opened at such place or places, and in each ward, where such exist, as shall be determined by resolution of the said trustees. Proceedings at nominations.
- (5) The poll or polls shall be opened at the hour of ten of the clock in the forenoon, and shall continue open until four o'clock in the afternoon, and no longer, and any poll may close at any time after eleven o'clock in the forenoon, when a full hour has elapsed without any vote having been polled. Hours of polling.
- (6) The urban school board shall, before the second Wednesday in December in each year, by resolution, fix the place or places for the nomination meeting, and also for holding the election in case of a poll, and also name the returning officer who shall preside at the respective polling places, and forthwith give public notice thereof. Place for nomination and election.
- (7) The returning officer or person presiding shall, on the day after the close of the election, return the poll book to the secretary-treasurer of the urban school board, with his solemn declaration thereto annexed, that the poll book has been correctly kept and contains a true record of the votes given at the polling place for which he was returning officer. Duty of returning officer after close of election.
- (8) The secretary-treasurer shall add up the number of votes for each candidate for any office, as appears from the poll book so returned, and shall declare elected, the candidate or candidates having the highest number of votes; and a majority in number of the trustees remaining in office shall be a quorum for the foregoing purposes. Duty of secretary.
- (9) In case two or more candidates have an equal number of votes, the member of the board present who is assessed highest as a supporter of such urban school on the last revised assessment roll shall, at the time of declaring the result of the poll, give a vote for one or more such candidates, so as to decide the election. Casting vote.
- (10) The Judge of the County Court, in case any complaint respecting the validity or mode of conducting the election of any trustee of an urban school board in any municipality within his county, is made to him within twenty days after such election, shall receive and investigate such complaint, and shall thereupon, within a reasonable time, in a summary manner, hear and determine the same; and may by order cause the assessment rolls, collector's rolls, poll books, and any other records of the election to be brought before him, and may inquire into the facts on affidavit or affirmation, or by oral testimony, and cause such person or persons to appear before him as he may deem expedient, and may confirm the said election or set it aside, or order that some other candidate was duly
- Judge of County Court to receive and investigate complaints.

elected ; and the Judge may order the person found by him not to have been duly elected to be removed ; and in case the Judge determines that any other person was duly elected, the Judge may order him to be admitted ; and, in case the Judge determines that no other person was duly elected instead of the person removed, the Judge shall order a new election to be held, and shall report such decision to the secretary-treasurer of the urban school board. 42 V. c. 34, s. 7, (9) ; 44 V. c. 30, s. 9, (2).

Vacancy in office of trustees.

(11) In case of a vacancy in the office of trustee of any urban school board arising from any cause, the remaining trustees shall forthwith take steps to hold a new election to fill the vacancy so created, and the person thereupon elected shall hold his seat for the residue of the term for which his predecessor was elected, or for which the office is filled.

Proceedings at new election.

(12) The new election shall be conducted in the same manner and be subject to the same provisions as an annual election, and the urban school board shall give at least six days' notice of the nomination of candidates, and in case a poll be demanded, the election shall be held one week from the day of said nomination. 42 V. c. 34, s. 7 (1) to (11).

Voting to be open.

(13) The voting for the election of trustees and for all other urban school purposes, shall be by open vote. R. S. O. c. 204, s. 59 ; 42 V. c. 34, s. 7.

In cities and towns divided into wards, clerk of municipality to furnish Voters' List to public school boards.

(14) In cities and towns divided into wards, the clerk of the municipality shall furnish to the separate school board, within three days after request in writing, 'the voters' list' for each ward of such municipality, annexing thereto a list of the names of persons being supporters of separate schools for Roman Catholics, and also a list of the names, alphabetically arranged, of all ratepayers and persons entitled to vote in respect of income, rated upon the then last revised assessment roll, and not being already upon "the voters' list." 42 V. c. 34, s. 4.

In towns not divided into wards, clerk to furnish Voters' List to public school trustees.

(15) In towns not divided into wards and villages, the clerk of the municipality shall furnish to the urban school board within three days after request in writing, 'the voters list' for each polling sub-division in the case of such town or village, as provided by the last preceding sub-section. 42 V. c. 34, s. 5.

Certified copy of list and a poll book to be provided for each polling place. Entries in poll book.

(16) The urban school board shall provide each polling place with the list aforesaid, and also a poll book ; and, at every election at which a poll is demanded, the returning officer or person presiding, or his sworn poll clerk, shall enter in such book in separate columns the names of the candidates proposed and seconded at the nomination, and shall, opposite to such columns, write the names of the urban school supporters offering to vote at the election, and shall, in each column on which is entered the name of a candidate voted for by any such school supporter, set the figure "1" opposite the supporter's name, with his residence, and in case of a poll demanded upon any urban school question, the name of each such school supporter shall be similarly placed in separate columns, marked 'for' or 'against.' 42 V. c. 34, s. 6.

(a) In case any objection is taken to the right of any person to vote at any meeting of the supporters of an urban school, the chairman of the meeting or

other officer presiding shall require the person whose right to vote is objected to, to take the declaration mentioned in sub-section 8 of section 28 of this Act.

- 5 (17) It shall be the duty of the board to call and give notice of annual and special school meetings of urban school supporters of the city, town or village, or of any ward therein, for filling vacancies in the school trustee corporation, or for any other purpose, in the manner prescribed by this Act. Trustees to give notice of annual and special meetings.
- 10 R. S. O. c. 204, s. 104 (26).
- (18) When any supporter of an urban school resides without the municipality in which the school is situate, he shall be entitled to vote in that ward or division of the municipality in which the school house is situate which is nearest to his place of residence.
- (19) The election of trustees for any urban school shall become void unless a separate school is established under their management within three months from the election of such trustees. Election of trustees, when to become void. R. S. O. c. 206, s. 40.
- 20 (20) At the first meeting in each year of every urban school board, the secretary of such board shall preside, or, if there be no secretary, the members present shall select one of themselves to preside at the election of chairman, and the member so selected to preside may vote as a member. President at first meeting. 41 V.
- 25 c. 15, s. 2.
- (21) In case of an equality of votes at the election of chairman of any such board, the member who is assessed as a separate school supporter for the largest sum on the last revised assessment roll shall have a second or casting vote in addition to his vote as a member. Casting vote. 41 V. c. 15, s. 3.
- (22) Subsequent meetings of the board shall be held at such times and places as may, from time to time, be fixed by resolution of the board. Meetings of board. R. S. O. c. 204, s. 104 (2).
- 35 (23) The chairman of the board shall preside, or in his absence, any other person appointed to act as chairman by the majority of those present, and such chairman or person so acting, may vote with the other members on all questions, and any question on which there is an equality of votes shall be deemed to be negatived. Presiding officer of board.
- 40 (24) A majority of the members of such board, when present at any meeting, shall constitute a quorum, and the vote of the majority of such quorum shall be valid to bind the corporation. Quorum of school boards, etc. R. S. O. c. 204, s. 98, *part*.

Duties of Board.

- 45 **33.**—(1) It shall be the duty of the board of trustees of every urban school : Duties of board.
- (2) To appoint a secretary and treasurer or secretary-treasurer and one or more collectors, if requisite, of such school fees or rate-bills as the board may have authority to charge ; Appointment of secretary and collector.
- 50 (a) The collector or collectors, and secretary, and treasurer, or secretary-treasurer (who may be of their own number), shall discharge similar duties, and be

subject to similar obligations and penalties, and have similar powers as the like officers in the municipality. R. S. O. c. 204, s. 104 (3 a b) (13 a, b, c).

To provide adequate accommodation.

(3) To provide adequate accommodation, according to the regulations of the Education Department, for all the children of separate school supporters between the ages of five and twenty-one, resident in the ward, village or town, as the case may be, as ascertained by the census taken by the municipal council for the next preceding year. 5

To provide school premises, apparatus, prize books and library.

(4) To purchase or rent school sites and premises, and to build, repair, furnish, and keep in order the school-houses and appendages, lands, enclosures, and moveable property, and procure registers in the prescribed form, suitable maps, apparatus and prize books and, if they deem it expedient, establish and maintain school libraries. R. S. O. c. 204, s. 104, (8 a, b 15 c), (25).

Kind of schools.

(5) To determine the number, kind, grade and description of schools (such as male, female, infant, central or ward schools) to be established and maintained; the teachers to be employed; the terms on which they are to be employed; the amount of their remuneration, and the duties which they are to perform. R. S. O. c. 204, s. 104, (9 a, b). 20

To lay before Councils estimate for moneys.

(6) To prepare from time to time, and lay before the municipal council of the city, town, or village, on or before the first day of August an estimate of the sums which they think requisite for all necessary expenses of the schools under their charge. R. S. O. c. 204, s. 104, (10). 25

To appoint a committee for each school.

(7) To appoint of their number annually, or oftener if they judge it expedient, and under such regulations as they think proper, a committee of not more than three persons for the special charge, oversight and management of each school within the city, town, or village; and to see that all the schools under their charge are conducted according to the authorized regulations. R. S. O. c. 204, s. 104 (24), 105 (1). 30

Trustees may collect a fee from parents.

(8) To collect, at their discretion, from the parents or guardians of children attending any urban school under their charge, a sum not exceeding twenty cents per calendar month, per pupil, to defray the cost of text-books, stationery and other contingencies, and to see that all the pupils in the schools are duly supplied with a uniform series of text-books. R. S. O. c. 204, s. 104 (19); 105 (2). 35 40

To see that authorized books are used.

To give orders for moneys expended.

(9) To give orders on the treasurer of the separate school board for all moneys expended for school purposes. R. S. O. c. 204, s. 104 (15). 45

To prepare annual report for Minister.

(10) To prepare and transmit annually, before the fifteenth of January, to the Minister of Education, in the form prescribed by him, a report signed by the chairman, containing all information required by the regulations of the education department. R. S. O. c. 204, s. 104 (27) and (28). 50

Teachers.

Valid agreements with teacher.

34. All agreements between trustees and teachers, to be valid and binding, shall be in writing, signed by the parties thereto, and sealed with the corporate seal of the trustees, and

such agreements may lawfully include any stipulation to provide the teacher with board and lodging. R. S. O. c. 204, s. 161 and (2).

35.—(1) It shall be the duty of every teacher of a separate school :— Duties of public school teacher.

(2) To teach diligently and faithfully all the branches required to be taught in the school, according to the terms of his engagement with the trustees, and according to the provisions of this Act, and the regulations of the Education Department. To teach according to law.

(3) To keep in the prescribed form the general, entrance, and the daily class, or other registers of the school, and to record therein the admission, promotion, removal, or otherwise of the pupils of the school ; To keep the register of the school.

(4) To maintain proper order and discipline in his school, according to the prescribed regulations ; To maintain order and discipline.

(5) To keep a visitors' book (which the trustees shall provide) and enter therein the visits made to his school, and to present said book to every visitor, and request him to make therein any remarks suggested by his visit ; To keep a visitors' book.

(6) To give the trustees and visitors access at all times when desired by them, to the registers and visitors' book appertaining to the school. To give access to register and visitors' book.

(7) To deliver up any school registers, visitors' book, school-house key, or other school property in his possession, on the demand or order of the majority of the trustees employing him ; Deliver up register and key.

(8) In case of his wilful refusal so to do he shall not be deemed a qualified teacher until restitution is made, and shall also forfeit any claim which he may have against the said trustees ; In case of refusal.

(9) To hold during each term a public examination of his school, of which he shall give due notice to the trustees of the school, to any school visitors who reside in or adjacent to the school, and through the pupils to their parents or guardians. To hold public quarterly examinations.

(10) To furnish to the Minister of Education, or to the Separate School Inspector, from the trustees' report or otherwise, any information which it may be in his power to give respecting anything connected with the operations of his school, or in any wise affecting its interests or character. R. S. O. c. 204, s. 163, sub secs. 1 to 8. To furnish information to the minister and inspector.

(11) To prepare so far as the school registers supply the information, such reports of the corporation employing him as are required by the regulations of the Education Department. To prepare reports.

36. Every qualified teacher of a separate school employed for any period not less than three months shall be entitled to be paid his salary in the proportion which the number of teaching days during which he has taught, bears to the whole number of teaching days in the year. Proportion of salary to which teacher entitled.

37. All matters of difference between trustees and teachers, in regard to salary or other remuneration, shall be brought and Provision in case of difference between

teacher and trustees.

decided in the Division Court by the Judge of the County Court in each county, subject to an appeal, as provided by this Act. R. S. O. c. 204, s. 165, and (2).

Issue of execution.

38. In pursuance of a judgment or decision given by a County Judge in a Division Court, under the authority of this Act, and not appealed from, execution may issue from time to time to recover what may be due of the amount which the Judge may have decided the plaintiff entitled to, in like manner as on a judgment recorded in a Division Court for a debt, together with all fees and expenses incidental to the issuing thereof and levy thereunder. R. S. O. c. 204, s. 165 (3).

Case of sickness.

39. In case of sickness, certified by a medical man, every teacher shall be entitled to his salary during such sickness, for a period not exceeding four weeks for the entire year; which period may be increased at the pleasure of the trustees. V. c. 8, s. 21.

Four weeks allowed.

Protection of teachers in regard to salary.

40. Every teacher shall be entitled to be paid at the rate mentioned in his agreement with the trustees, even after the expiration of the period of his agreement, until the trustees pay him the whole of his salary as teacher of the school, according to their engagement with him, provided always that an action must be commenced within three months after such salary is due and payable by the trustees. R. S. O. c. 204, s. 164 and (2).

Assessments.

25

Supporters of separate schools exempted from payment of public school rates on giving certain notice.

41. Every person paying rates, whether as proprietor or tenant, who, by himself, or his agent, on or before the first day of March in any year, gives to the clerk of the municipality notice in writing that he is a Roman Catholic, and supporter of a separate school situated in the said municipality or in a municipality contiguous thereto, shall be exempted from the payment of all rates imposed for the support of public schools, and of public school libraries, or for the purchase of land or erection of buildings for public school purposes, within the city, town, incorporated village or section in which he resides, for the then current year, and every subsequent year thereafter, while he continues a supporter of a separate school; and such notice shall not be required to be renewed annually. R. S. O. c. 206, s. 31.

Certificates notice.

42. Every clerk of a municipality, upon receiving any such notice, shall deliver a certificate to the person giving such notice, to the effect that the same has been given, and showing the date of such notice. R. S. O. c. 206, s. 32.

Penalty for wilful false statements in such notice.

43. Any person who fraudulently gives any such notice, or wilfully makes any false statement therein, shall not thereby secure any exemption from rates, and shall be liable to a penalty of \$40, recoverable with costs before any Justice of the Peace at the suit of the municipality interested. R. S. O. c. 206, s. 37.

Exemption as to rates imposed before separate

44. Nothing in the last preceding three sections contained, shall exempt any person from paying any rate for the support of public schools or public school libraries, or for the erection

of a school house or school houses, imposed before the establishment of such separate school. R. S. O. c. 206, s. 34. school established.

45. Subject to the other provisions of this Act no person shall be deemed a supporter of any separate school unless Residence of supporters of separate schools. he resides within three miles (in a direct line) of the site of the school house. R. S. O. c. 206, s. 36.

46. When any supporter of a separate school resides without the municipality in which the school is situate, he shall be entitled to vote in the ward or division in which the school house nearest to his place of residence is situate, if within the distance of three miles in a direct line. 42 V. c. 34, s. 23.

47. Any person, who, if resident in a municipality, would be entitled to be a supporter of any separate school existing either therein or in any adjoining municipality, may, in giving notice under section 3 of *The Assessment Act*, that he is the owner of unoccupied land situate in either of the said municipalities, require that all such land as is situate either in the municipality wherein such separate school is situate or within the distance of three miles in a direct line of the site of said separate school shall be assessed for the purposes of said separate school, and the proper assessor shall thereupon enter such person in the assessment roll as a separate school supporter, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and such land shall be assessed accordingly for the purposes of said separate school and not for public school purposes. 47 V. c. 44, s. 1. Non-residents may require school tax to be appropriated to a separate school.

48.—(1) Any Roman Catholic who may desire to withdraw his support from a separate school, shall give notice in writing to the clerk of the municipality, before the second Wednesday in January in any year, otherwise he shall be deemed a supporter of such school. Persons withdrawing support from Separate School to give notice.

(2) But any person who has withdrawn his support from any Roman Catholic separate school shall not be exempted from paying any rate for the support of separate schools or separate school libraries, or for the erection of a separate school house, imposed before the time of his withdrawing such support from the separate school. R. S. O. c. 206, s. 35. Proviso.

49.—(1) The assessor or assessors of every Municipality shall in the assessment roll set down the religion of the person taxable, distinguishing between Protestant and Roman Catholic, and whether supporters of public or separate schools; but nothing herein contained shall be deemed to interfere with the rights of public school trustees under the *Public Schools Act*. R. S. O. c. 204, s. 78 (5), (7a). Duty of assessors.

(2) The assessor shall accept the statement of, or made on behalf of, any ratepayer, that he is a Roman Catholic, as sufficient *prima facie* evidence for placing such person in the proper column of the assessment roll for separate school supporters, or if the assessor knows personally any ratepayer to be a Roman Catholic this shall also be sufficient for placing him in such last mentioned column. R. S. O. c. 204, s. 78 (5 part); 42 V. c. 34, s. 26 (3). Statement as to religion.

Court of Revision to decide.

(3) The Court of Revision shall try and determine all complaints in regard to persons in these particulars alleged to be wrongfully placed upon or omitted from the roll (as the case may be), and any person so complaining, or any ratepayer of the municipality, may give notice in writing to the Clerk of the Municipality of such complaint, and the provisions of *The Assessment Act*, in reference to giving notice of complaints against the assessment roll, and proceedings for the trial thereof, shall likewise apply to all complaints under this section of this Act. R. S. O. c. 204, s. 78 (5 latter part). 10

Collector's roll—further columns.

50. The clerk of every municipality, in annually making out the collector's roll, shall place columns therein, so that under the head of "School Rate," the public school rate may be distinguished from the separate school rate, and also under "Special Rate for School Debts," shall distinguish between public and separate school purposes, and the proceeds of any such rate shall be kept distinguished by the collector, and accounted for accordingly. R. S. O. c. 204, s. 78 (6). 15

51. The clerk of any municipality in which any separate school section or part of a section is situate, shall, not later than the 1st day of December in each year, make out and transmit to the county school inspector a statement shewing whether or not any county rate for public school purposes has been placed upon the collector's roll against supporters of separate schools, and if such has been rated against supporters of separate schools, giving a list of such and the amount so rated against each and the total amount so rated. 43 V. c. 32, s. 9. 20 25

52. In any case where under section 18 of *The Assessment Act*, land is assessed against both the owner and occupant, or owner and tenant, then such occupant or tenant shall be deemed and taken to be the person primarily liable for the payment of school rates, and for determining whether such rates shall be applied to public or separate school purposes, and no agreement between the owner or tenant as to the payment of taxes as between themselves shall be allowed to alter or to affect this provision otherwise; and in any case where, as between the owner and tenant or occupant, the owner is not to pay taxes, if by the default of the tenant or occupant to pay the same, the owner is compelled to pay any such school rate, he may direct the same to be applied to either public or separate school purposes. 44 V. c. 30, s. 10. 30 35 40

Company may require school rate to be applied to separate schools.

53.—(1) A company may, by notice in that behalf to be given to the clerk of any municipality wherein a separate school exists, require any part of the real property of which such company is either the owner and occupant, or, not being such owner, is the tenant, occupant or actual possessor, and any part of the personal property (if any) of such company, liable to assessment, to be entered, rated and assessed for the purposes of said separate school, and the proper assessor shall thereupon enter said company as a separate school supporter in the assessment roll in respect of the property specially designated in that behalf in or by said notice, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and so much of said property as shall be so designated shall be assessed accordingly in the name of said 45 50 55

- company for the purposes of said separate school and not for public school purposes, but all other property of said company shall be separately entered and assessed in the name of the company as for public school purposes: ~~and~~ provided always
- 5 that the share or portion of the property of any company, (entered) rated or assessed, in any municipality for separate school purposes under the provisions of this section, shall bear the same ratio and proportion to the whole property of the company assessable within the said municipality, as the
- 10 amount or proportion of the shares or stock of such company, so far as the same are paid, or partly paid up, and are held and possessed by persons who are Roman Catholics, bears to the whole amount of such paid or partly paid up shares or stock of the company.
- 15 (2) A notice by the company to the clerk of the local municipality under the provisions of this section may be in the form or to the effect following:

To the clerk of (*describing the municipality*),

Take notice that (*here insert the name of the company so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the directors of said company requires that hereafter and until this notice is either withdrawn or varied so much of the property of the company assessable within (*giving the name of the municipality*), and hereinafter specially designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*as the case may be*) of all real property, and one-fifth (*as the case may be*) of all personal property of said company, liable to assessment in said municipality.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of said company.

- (3) Any such notice given in pursuance of a resolution in that behalf of the directors of the company shall for all
- 20 purposes be deemed to be sufficient, and every such notice so given shall be taken as continuing and in force and to be acted upon unless and until the same is withdrawn, varied or cancelled by any notice subsequently given, pursuant to any resolution of the company or of its directors.
- 25 (4) Every such notice so given to any such clerk shall remain with and be kept by him on file in his office, and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect any assessment roll, and the assessor shall in each year, before the
- 30 completion and return of the assessment roll, search for and examine all notices as may be so on file in the clerk's office, and shall thereupon in respect of said notices (if any) follow and conform thereto and to the provisions of this Act in that behalf.
- 35 (5) The word "company" in this section shall mean and include any body corporate.

- 54.—(1) The trustees of separate schools forming a body corporate under this Act shall have the power to impose, levy and collect school rates or subscriptions, upon and from persons
- 40 sending children to, or subscribing towards the support of such schools, and shall, for the purpose of collecting such school rates or subscriptions, have all the powers in respect of separate
- Powers of trustees.

schools that the collector of taxes in municipalities have and possess under the provisions of *The Municipal Act*. R. S. O. c. 206, s. 24.

Rates on land of non residents to be returned to the clerk of the municipality.

(2) If the collector appointed by the trustees of any separate school is unable to collect that portion of any school rate which has been charged on any parcel of land liable to assessment, by reason of there being no person resident thereon, or no goods and chattels to distrain, the trustees shall make a return to the clerk of the municipality, before the end of the then current year, of all such parcels of land and the uncollected rates thereon. 5 10

(3) The clerk of the municipality shall make a return to the county, city, town or village treasurer of all such lands, and the arrears of separate school rates thereon.

(4) Such arrears shall be collected and accounted for by such treasurer in the same manner as the arrears of other taxes. 15

(5) The township, village, town or city council in which such separate school is situate, shall make up the deficiency arising from uncollected rates on land liable to assessment, out of the general funds of the municipality. R. S. O. c. 204, s. 102 (16, 20 a, b, c, d, e).

Trustees may copy assessment roll of municipality.

55. The clerk or other officer of a municipality within or adjoining which a separate school is established, having possession of the assessor's or collector's roll of the said municipality, shall allow any one of the said trustees or their authorized collector to make a copy of such roll in so far as it relates to the persons supporting the separate school under their charge. 25

Collector of school rates.

56. It shall be the duty of every municipal council, if so requested by the trustees of any separate school at or before the meeting of such council in the month of August in any year, to cause, through their collectors and other municipal officers, to be levied in each year, upon the taxable property liable to pay the same, all sums of money for rates or taxes legally imposed thereon in respect of separate schools by competent lawful authority in that behalf and at their request, and such council shall account annually for the sums so to be collected, and any expenses attending the assessment, collection or payment of school rates by the municipal council, or any of its officers, for the trustees entitled thereto, shall be payable by the municipality, and the said rates, as and when collected, shall within a reasonable time thereafter, and not later than the fourteenth day of December in each year, be paid over to the trustees, without any deduction whatever. 43 V. c. 32, s. 4 (amended). 40 45

Agreements between municipality and separate school trustees as to payment in lieu of separate school rate.

57. Any board of separate school trustees, and the council of any municipality (three-fifth of whose members are not separate school supporters), may enter into an agreement for a term of years, that for each year of the said term, and at such times and in such sums as may be agreed upon, there shall in lieu of and as being the amount to be levied and collected in such year for separate school purposes, be paid by said municipality to said board a fixed proportion of the total amount levied and collected within the municipality in and for such 50

year for both public and separate school purposes; provided Proviso.
 always, that if in and for any such year the rate in the dollar
 of assessment actually levied for separate school purposes
 within said municipality is not the same as that actually levied
 5 therein for public school purposes, then said agreement shall
 not be in force for or apply to such last mentioned year; pro-
 vided also that any agreement made as aforesaid may be
 determined at the end of any calendar year on giving six
 months' notice by either of the parties thereto to the other
 10 party. 47 V. c. 45, s. 2.

58. The county inspector of public schools shall, before dis- Separate
 tributing the county rate among the public school sections, deduct school
 the amount certified to him by the clerk of any municipality in amounts to be
 which any separate school section or part of a section is situate, deducted.
 15 according to the list given by such clerk, of the supporters of
 separate schools against whom the county rate for public school
 purposes has been placed, and rated, and shall give the trustees of
 the separate school section an order on the county treasurer or
 sub-treasurer for the amount so placed and rated, and it shall
 20 be the duty of such treasurer or sub-treasurer to pay over
 the same. 44 V. c. 30, s. 9, sub-s. 3.

59.—(1) The trustees of any separate school shall have full Borrowing
 power as a body corporate to borrow money for school pur- powers of
 poses, and to make valid mortgages and other instruments for trustees of
 the security and payment of such borrowed money, or of any separate
 25 moneys payable or to be paid for school sites, school buildings,
 or additions thereto, or the repairs thereof, upon the school
 house property and premises, or any other real or personal
 property vested in them, or upon the separate school rates, and
 30 each ratepayer who was a separate school supporter at the
 time when the loan was effected on the security of said rates
 or property shall, while resident within the section or munici-
 pality within which such separate school is situate, continue to
 be liable for the rate to be levied for the repayment of such
 35 loan. 42 V. c. 34, s. 24.

(2) The principal money representing any sum so borrowed
 may, in the mortgage or other instrument securing the repay-
 ment thereof, be made payable in annual or other instalments,
 with or without interest, and the said trustees, in addition to
 40 all other rates or moneys which they may now levy in any one
 year, shall also have power and authority to levy and collect
 such further sum or sums as in each year may be requisite for
 paying all principal money and interest falling due in such
 year under the terms of such mortgage or other instrument
 45 aforesaid, and the said sums shall be levied and collected in each
 year in the same manner and form, and from the like persons
 and property by, from, upon or out of which other separate
 school rates may now be levied and collected. 42 V. c. 34, s.
 24 (2).

50 60. Every separate school shall be entitled to a share in the Separate
 fund annually granted by the Legislature of this Province for schools
 the support of public schools, and shall be entitled also to a entitled to a
 share in all other public grants, investments and allotments share of the
 for public school purposes now made or hereafter to be made public grant.
 55 by the province or the municipal authorities, according to the

average number of pupils attending such school during the twelve next preceding months, or during the number of months which may have elapsed from the establishment of a new separate school, as compared with the whole average number of pupils attending school in the same city, town, village or township. R. S. O. c. 206, s. 37. 5

But not to any share of local assessment for public schools.

61. Nothing herein contained shall entitle any such separate school within any city, town, incorporated village or township, to any part or portion of school moneys arising or accruing from local assessment for public school purposes within the city, town, village, or township, or the county or union of counties within which the city, town, village or township is situate. R. S. O. c. 206, s. 38. 10

Certificates to teachers of separate schools.

62. The teachers of any separate school under this Act shall be subject to the same examinations, and receive their certificates of qualification, in the same manner as public school teachers generally; but the persons qualified by law as teachers, either in the Province of Ontario, or, at the time of the passing of the British North America Act, in the Province of Quebec, shall be considered qualified teachers for the purpose of this Act. R. S. O. c. 206, s. 30. 15

Return to be transmitted by trustees.

63. The trustees of each separate school shall, on or before the thirtieth day of June and the thirty-first day of December of every year, transmit to the Minister of Education a correct return of the names of the children attending such school, together with the average attendance during the six next preceding months, or during the number of months which have elapsed since the establishment thereof, and the number of months it has been so kept open; and the Minister shall thereupon determine the proportion which the trustees of such separate school are entitled to receive out of the Legislative grant, and shall pay over the amount thereof to such trustees. R. S. O. c. 206, s. 41. 20

Visitors of separate schools.

64. The Minister of Education all judges, members of the Legislature, the heads of the municipal bodies in their respective localities, the inspectors of public schools, and the clergymen of the Roman Catholic Church, shall be visitors of separate schools. R. S. O. c. 206, s. 42. 25

Inspection of schools by Minister of Education.

65. The Roman Catholic separate schools (with their registers) shall be subject to such inspection as may be directed from time to time by the Minister of Education, and shall be subject also to such regulations as may be imposed from time to time by the Education Department. R. S. O. c. 206, s. 43. 30

Model schools for teachers of separate schools.

66. The Education Department may authorize a separate school in any county to be constituted a model school for the training of teachers for separate schools, subject to the regulations of the department, and where in any county such model school has been established, or from the special circumstances of the separate schools therein, the Minister of Education should deem it expedient, he may recommend for appointment by the Lieutenant-Governor in Council some one competent person possessing qualifications prescribed by the Education Department to be a member of the county board of examiners 35

of such county in addition to the number now authorized, and who shall possess and discharge the like powers and duties as the other members of said board. 42 V. c. 34, s. 27.

67. In the case of a separate school established under this Act in any city, town, or incorporated village in which a high school is established, it shall be lawful for the trustees of such separate school to appoint any ratepayer (not one of themselves) as trustee of such high school, provided always that in the case of a united high and public school board such trustee shall not take any part in the proceedings of such board in regard to any matter affecting the public school.

68. In the event of any disagreement between trustees of Roman Catholic separate schools and inspectors of public schools, or other municipal authorities, ^{Disagreement between trustees, inspectors, etc.} or in the event of any protest against the election of a rural school trustee, or other proceedings of a rural school meeting made in writing and signed by five supporters of the separate school concerned, ^{the} the case in dispute shall be referred to the equitable arbitrament of the Minister of Education, subject, nevertheless, to appeal to the Lieutenant-Governor in Council, whose award shall be final in all cases. R. S. O. c. 206, s. 44.

Superannuation.

69. From and after the date of this Act, every teacher or inspector whose name is entered as having paid into the fund for the support of superannuated teachers, may contribute to such fund in such manner as may be prescribed by the Education Department, the sum of at least \$4 annually. ^{Superannuation fund.}

70. On the decease of any teacher or inspector, his wife, her husband, or other legal representative, shall be entitled to receive back the full amount paid into the Superannuation Fund by such teacher or inspector, with interest at the rate of seven per cent. per annum. ^{Repayment to wife, etc., of deceased teacher.} R. S. O. c. 204, s. 169.

71.—(1) Every teacher or inspector who, while engaged in his profession, contributes to the Superannuated Teachers' Fund as provided by this Act, shall on reaching the age of sixty years, be entitled to retire from the profession at his discretion, and receive an allowance or pension at the rate of \$6 per annum, for every year of such service in Ontario, upon furnishing to the Education Department satisfactory evidence of good moral character, of his age, and of the length of his service as teacher or inspector. ^{Right of teacher to retire on reaching sixty years of age.} R. S. O., c. 204, s. 170.

(2) Every pension payable under this Act may be supplemented out of local funds by any municipal council, public school board or board of education, at its pleasure. ^{Supplementary pension.} R. S. O. c. 204, ss. 89 (2), 105 (4), 170 (2).

(3) To remove doubts, nothing in this section contained, shall be held as applying to any person who, prior to 1871, had ceased to be engaged in his profession as a teacher, and has not heretofore contributed to the said fund, and no payment for arrears shall be received after the 1st day of July, 1886. ^{Application of section.}

Teachers
under sixty.

72. Every teacher or inspector under sixty years of age, who has contributed, as aforesaid, and who is disabled from practising his profession, shall be entitled to a like pension, or local supplementary allowance, upon furnishing the like evidence, and by furnishing to the Education Department from time to time, in addition thereto, satisfactory evidence of his being disabled. R. S. O. c. 204, s. 171. 5

\$1 per annum
extra to cer-
tain teachers.

73. Every teacher entitled to receive an allowance from the Superannuated Teachers' Fund, who holds a first or second class provincial certificate, or a first-class county board certificate, or who is an authorized head master of a high school or collegiate institute, shall in addition to said allowance or pension, be entitled to receive a further allowance at the rate of \$1 per annum for every year of service while he held such certificate, or while he acted as head master of a high school or collegiate institute. R. S. O. c. 204, s. 172. 10 15

Proviso in
regard to
good moral
character.

74. The retiring allowance shall cease at the close of the year of the death of the recipient, and may be discontinued at any time should the pensioned teacher fail to maintain a good moral character, to be vouched for (when requested) to the satisfaction of the Education Department. R. S. O. c. 204, s. 173. 20

Teacher
resuming pro-
fession.

75. If any pensioned teacher or inspector shall, with the consent of the Education Department, resume the profession of teaching or inspecting, the payment of his allowance shall be suspended from the time of his being so engaged. R. S. O. c. 204, s. 174. 25

Again
retiring.

76. In case of his again being placed by the Education Department on the superannuation list, a pension for the additional time of teaching shall be allowed him, on his compliance with this Act, and the regulations of the Education Department. R. S. O. c. 204, s. 175. 30

Forfeiture of
claim.

77. Any teacher or inspector who, having resumed his profession, draws or continues to draw upon the Superannuation Fund for any part of his allowance as a superannuated teacher, shall forfeit all claim to the fund, and his name shall be struck off the list of superannuated teachers. 35

Teachers not
availing them-
selves of Act.

78. In the case of those teachers or inspectors who may not avail themselves of the provisions of sections 192 or 202 of this Act, the provisions of sections 193 to 202 inclusive shall apply so far as relates to all sums of money already paid into the fund for the support of superannuated teachers. 40

Repayment to
contributors.

79. Any teacher who retires from the profession, or any teacher or inspector who desires to remove his name from the list of contributors to the Superannuated Teachers' Fund, shall be entitled to receive back from the Minister of Education one-half of any sums paid in by him or her to the fund, through the public school inspector, or otherwise. R. S. O. c. 204, s. 168. 45

Holidays.

80.—(1) The separate school year shall consist of two terms: Terms.
 the first shall begin on the 3rd day of January, and end on the
 1st day of July; the second shall begin on the 3rd Monday of
 August, and end on 23rd day of December. Every Saturday,
 every statutory holiday, and every day proclaimed a holiday
 by the municipal authorities in which the school section or
 division is situated, shall be a holiday in the separate schools.
 R. S. O. c. 204, ss. 13, 14; 43 V. c. 32, s. 1.

(2) In the case of cities, towns and incorporated villages the
 school terms shall be the same as the terms prescribed for
 high schools.

Penalties and Prohibitions.

81. No person shall wilfully make a false declaration of Penalty for making a false declaration.
 his right to vote at any school meeting or election of school
 trustees; and any person convicted of a contravention of this
 section, upon the complaint of any person, shall be punishable
 by fine or imprisonment, at the discretion of the Court of
 General Sessions, or by a penalty of not less than \$5, or more
 than \$10, to be sued for and recovered with costs before a
 Justice of the Peace, by the Separate School trustees of the
 city, town, village or school section for its use. R. S. O. c.
 304, s. 24.

82. No trustee of a separate school shall hold the office of Trustees not to hold certain offices.
 separate school Inspector, or be a master or teacher in the
 Separate School of which he is a trustee: nor shall the master
 or teacher of any public, high or separate school hold the
 office of trustee of a separate school, nor shall an inspector
 be a teacher or trustee of any separate school while he holds the
 office of inspector. R. S. O. c. 205, s. 212.

83. Any trustee who is convicted of any felony or misde- Seat vacated by conviction for crime, etc.
 meanor, or becomes insane, or absents himself from the meet-
 ings of the board for three consecutive months, without being
 authorized by resolution entered upon its minutes, or ceases to
 be a resident within the school municipality for which he is a
 trustee, shall *ipso facto* vacate his seat, and the remaining trust-
 ees shall declare his seat vacant, and forthwith order a new
 election. R. S. O. c. 204, s. 38.

84. Any trustee who has any pecuniary interest, profit or Seat vacated by interest in contract with corporation.
 promise, or expected benefit in, or from any contract, agreement
 or engagement, either in his own name, or the name of an-
 other with the corporation of which he is a member, or who
 receives, or expects to receive any compensation for any work,
 engagement, employment or duty, on behalf of such corpora-
 tion, shall *ipso facto* vacate his seat, and every such contract,
 agreement, engagement or promise shall be null and void, and
 the remaining trustees, or a majority of them, shall declare the
 seat vacant, and forthwith order a new election. R. S. O. c.
 204, s. 225; 44 V. c. 30, s. 13.

85. Any person who wilfully disturbs, interrupts or dis- Penalty for disturbing a school or school meeting.
 quiets the proceedings of any school meeting authorized to be

held by this Act, or any one who wilfully interrupts or disquiets any separate school established and conducted under its authority, or other school, by rude or indecent behaviour, or by making a noise either within the place where such school is kept or held, or so near thereto as to disturb the order or exercises of the school, shall, for each offence, on conviction thereof before a justice of the peace, on the oath of one credible witness, forfeit and pay for separate school purposes to the school section, city, town, or village within which the offence was committed, a sum not exceeding \$20, together with the costs of the conviction, as the said justices may think fit. R. S. O. c. 204, s. 249. 5

Penalty for refusing to serve as trustee.

86. If any person chosen as trustee refuses to serve, he shall forfeit the sum of \$5. R. S. O. c. 204, s. 236.

Penalty for refusing to perform duties.

87. Every person so chosen who has not refused to accept the office, and who at any time refuses, or neglects to perform its duties, shall forfeit the sum of \$20, to be sued for and recovered before a justice of the peace, by the trustees of the school section, or by any person whatsoever for its use, as authorized by this Act. R. S. O. c. 204, s. 237. 15 20

Penalty for refusing to exercise corporate powers.

88. If the trustees of any separate school wilfully neglects or refuses to exercise all the corporate powers vested in them by this Act, for the fulfilment of any contract or agreement made by them: any trustee or trustees so neglecting or refusing to exercise such power shall be held to be personally responsible for the fulfilment of such contract or agreement. R. S. O. c. 204, s. 238. 25

Liability for neglect to take security.

89. If the trustees of any separate school refuse, or neglect to take proper security from the secretary-treasurer, or other person to whom they entrust school moneys, they shall be held personally responsible for the moneys. R. S. O. c. 204, s. 229, 30

Responsibility in case of lost school moneys.

90. If any part of the separate school fund or moneys is embezzled or lost, through the dishonesty or faithlessness of any trustee, secretary-treasurer, or other person to whom it has been entrusted, and proper security against the loss has not been taken, the person or persons whose duty it was to have exacted the security shall be personally responsible for the sums so embezzled or lost; and such sums may be recovered from him or them, by the person entitled to receive the same, by action at law, in any court having jurisdiction to the amount, or by information at the suit of the Crown. R. S. O. c. 204, s. 230. 35 40

Penalty on secretary-treasurer, or trustee for refusing to account.

91.—(1) No secretary-treasurer appointed by the trustees of any separate school, and no person having been such secretary-treasurer, and no trustee or other person who may have in his possession any books, papers, chattels, or moneys, which came into his possession as such secretary-treasurer, trustee or otherwise, shall wrongfully withhold, or neglect, or refuse to deliver up, or account for, and pay over the same, or any part thereof to the person, and in the manner directed by a majority of such trustees then in office, or by other competent authority; and such withholding, neglect, or refusal 45 50

to deliver up or account for, shall be punishable, as provided in the three following sections of this Act. R. S. O. c. 204, s. 231.

(2) Upon application to the Judge of the County Court, ^{Mod: of proceeding.} by a majority of the trustees, or by any two supporters of the separate school supported by their affidavit made before some justice of the peace, of such wrongful withholding or refusal, the judge shall make an order that such secretary-treasurer, or person having been such secretary-treasurer or trustee, or other person, do appear before him, at a time and place to be appointed in the order. R. S. O. c. 204, s. 232.

(3) Any bailiff of a Division Court, upon being required by the Judge, shall serve the order personally on the person complained against, or leave the same with a grown up person at his residence. R. S. O. c. 204, s. 232 (2).

92. At the time and place so appointed, the Judge being ^{Judge to issue order.} satisfied that service has been made, shall, in a summary manner, and whether the person complained of does or does not appear, hear the complaint, and if he is of opinion that the complaint is well founded the Judge shall order the person complained of to deliver up, account for, and pay over the books, papers, chattels, or moneys as aforesaid, by a certain day to be named by the Judge in the order, together with such reasonable costs incurred in making the application as the Judge may tax. R. S. O. c. 204, s. 233.

93. In the event of a non-compliance with the terms specified in such order, or any, or either of them, the Judge shall order the said person to be forthwith arrested by the sheriff of any county in which he may be found, and to be committed to the common gaol of his county, there to remain without bail until the Judge be satisfied that the person has delivered up, accounted for, or paid over the books, papers, chattels, or moneys in question, in the manner directed by the majority of the trustees, or other competent authority, as aforesaid; upon proof of his having so done, the Judge shall make an order for his discharge, and he shall be discharged accordingly. R. S. O. c. 204, s. 234. ^{Effect of non-compliance with Judges' order.}

94. No such proceeding shall impair or affect any other remedy which the said trustees, or other competent authority, may have against the secretary-treasurer or person having been such secretary-treasurer or his sureties, or against any trustee or other person as aforesaid. R. S. O. c. 204, s. 235. ^{Other remedy not affected.}

95. The trustees, or their secretary-treasurer in their behalf, shall not refuse to furnish the auditors of any accounts of a separate school, or either of them, with any papers or information in their power, and which may be required of them relative to their school accounts, and any contravention of this section upon prosecution therefor by either of the auditors, or any separate school supporter, shall be punished by fine or imprisonment, as provided by this Act. R. S. O. c. 204, s. 239. ^{Penalty on trustees refusing information, etc., to auditors.}

96.—(1) In case the trustees of any Separate school neglect to transmit to the Minister of Education, on or before the 30th day of June, and the 31st day of December in every year, ^{Penalty for neglect to send half-yearly returns.}

a correct and verified statement of the average attendance of pupils in each of the schools under their charge during the six months then immediately preceding, then the school section shall not be entitled to the apportionment from the school fund for the said six months.

5

(2). The trustees so neglecting shall be personally responsible for the amount of the loss of such apportionment. R. S. O. c. 204, s. 240 and (2).

Penalty for
delaying
yearly report.

97. In case the trustees of any separate school neglect to prepare and forward the aforesaid annual report to the Minister of Education by the 15th day of January in every year, each of them shall, for every week after such 15th day of January, and until such report has been prepared and presented, forfeit the sum of five dollars, to be sued for by any supporter of such separate school and collected and applied in the manner provided for by this Act. R. S. O. c. 204, s. 241.

Penalty for
false school
reports and
registers.

98.—(1) If any trustee of a separate school knowingly signs a false report, or if any teacher of a separate school keeps a false school register, or makes a false return, with the view of obtaining a larger sum than the just proportion of school moneys coming to such school, the trustee or teacher shall, for every offence, forfeit to the board of separate school trustees for the purposes of such separate school the sum of \$20, for which any person whatever may prosecute him before a justice of the peace, and the trustee or teacher may be convicted on the oath of one credible witness other than the prosecutor.

Recovery by
distress.

(2) If upon conviction, the penalty is not forthwith paid, the same shall, under the warrant of the justice, be levied with costs by distress and sale of the goods and chattels of the offender.

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Application
of penalty.

(3) The penalty when so paid or collected, shall by the Justice be paid over to the said separate school. R. S. O. c. 204 s. 242, (2), (3).

Trustees per-
sonally respon-
sible for
moneys lost.

99.—(1) The trustees of every separate school shall be personally responsible for the amount of any school moneys forfeited by or lost to the separate school in consequence of the neglect of duty of the trustees during their continuance in office.

(2) The amount thus forfeited or lost shall be collected and applied in the manner provided for by this Act. R. S. O. c. 40 204, s. 228 and (2).

How Fines and Penalties may be Recovered.

How penalties
under this Act
shall be
recoverable.

100.—(1) Unless it is in this Act otherwise provided, all fines, penalties, and forfeitures recoverable by summary proceedings, may be sued for, recovered, and enforced with costs, by and before any Police Magistrate or justice of the peace having jurisdiction within the school section, city, town, or village in which such fine or penalty has been incurred.

(2) If the fine or penalty and costs are not forthwith paid, the same shall, by and under the warrant of the convicting justice, be enforced, levied and collected with costs by distress

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and sale of the goods and chattels of the offender, and shall be by the police magistrate or justice paid over to the school treasurer of the separate school, city, town, or village, or other party entitled thereto.

- 5 (3) In default of such distress the police magistrate or justice shall, by his warrant, cause the offender to be imprisoned for any time not exceeding thirty days, unless the fine and costs, and the reasonable expenses of endeavouring to collect the same unless sooner paid. R. S. O. c. 204, s. 250.

No. 50.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting Separate Schools.

*(Reprinted as amended by Committee of
the Whole House.)*

First Reading,	3rd March,	1886.
Second " "	16th " "	1886.

Mr. ROSS,
Middlesex.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to enable Widows, and Unmarried Women to vote at Elections of Members of the Legislative Assembly.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

In addition to the persons now by law entitled to vote:

- 5 1. The following persons being of the full age of ^{Who may} twenty-one years, and subjects of Her Majesty by birth or ^{vote.} naturalization, and not being disqualified under any Act of the Legislature or otherwise by law prevented from voting, shall also, if duly entered on the list of voters proper to
10 be used at the election then pending, according to the provisions of *The Voters' Lists Act*, or of this Act, be entitled to vote at elections of members to serve in the Legislative Assembly of this Province, that is to say;

15 *Firstly*.—Every widow or unmarried woman entered on the ^{Real property} revised assessment roll, upon which the voters' list to be used ^{qualification.} at the election is based for any city, town, incorporated village, or township, for real property of the value hereinafter mentioned, and being, at the time of the final revision and correction of said assessment roll, and also at the time of the
20 election, a resident of, and domiciled within the electoral district for which such widow, or unmarried woman claims to vote;

- (1). Such widow or unmarried woman, must (subject to ^{Value of real} the provisions hereinafter contained) have been ^{property.} rated on such assessment roll as the owner, tenant, or occupant of real property of the actual value of not less than the following:

In cities and townships, \$200;

In incorporated villages and townships, \$100;

^{Joint owners.}

- 30 (2). Where any real property is owned or occupied jointly by two or more persons, and is rated at an amount sufficient, if equally divided between them, to give a qualification to each of them, shall be deemed rated within this Act, otherwise none of them shall
35 be deemed so rated;

Secondly.—Every widow or unmarried woman who is re- ^{Income fran} siding at the time of the election in the local municipality in ^{chise.} which she tenders her vote, and has resided therein continu-

ously since the completion of the last revised assessment roll of the municipality, and derives an income from some trade, occupation, calling, office or profession, of not less than \$250 annually, and has been assessed for such income in and by the assessment roll of the municipality upon which the voters' list 5 used at the election is based.

Wages franchise.

Thirdly.—Every widow or unmarried woman entered on the last revised assessment roll as a wage earner, who is residing at the time of the election in the local municipality in which she tenders her vote, and has resided therein continuously since 10 the completion of the last revised assessment roll of the municipality, and who has during the twelve months next prior to being so entered, derived or earned wages, or income from some trade, occupation, calling, office, or profession, of not less than \$250; 15

In townships, value of board and lodging included in wages.

(1). In estimating or ascertaining the amount of wages or income so earned or derived by any person so entered as a wage earner in the assessment roll of a municipality, not being a city, town, or village, the fair value of any board or lodging, furnished, 20 or given to, or received, or had by such person, as, or in lieu of wages, or as part thereof, shall be considered or included.

Householder.

Fourthly.—Every widow, or unmarried woman, entered as a householder in the last revised assessment roll of the local 25 municipality in which she tenders her vote, who is residing at the time of the election in the said municipality, and has resided there continuously since the completion of the said last revised assessment roll.

Landholders daughters.

Fifthly.—Every landholder's daughter who is a widow, or 30 unmarried, and who is a resident at the time of the election in the local municipality in which she tenders her vote, and has resided therein with and in the residence or dwelling of the landholder whose daughter she is, for twelve months next prior to the return by the assessors of the assessment roll in 35 which the voters lists used at the election is based, and who has been duly entered and named in said assessment roll as such landholder's daughter;

Absence of six months allowed.

(2). Occasional or temporary absence from such residence or dwelling for a time or times not exceeding in 40 the whole six months of the twelve hereinbefore mentioned, shall not operate to disentitle a landholder's daughter to vote under this Act.

Same qualification as male voters in electoral districts as Algoma East, etc.

Sixthly.—Every widow and unmarried woman shall have 45 the right to vote in such of the municipalities, townships and places in the electoral districts of Algoma East, Algoma West, East Victoria, East Peterborough, North Hastings, North Renfrew, South Renfrew, Muskoka, and Parry Sound, as have no assessment roll, and subject to the provisions hereinafter contained: every such widow and unmarried woman of the full 50 age of twenty-one years, and being a subject of Her Majesty by birth or naturalization, and being not otherwise disqualified, who is at the time of the election a resident of, and domiciled within, the electoral district for which she claims to vote, and

is actually and *bona fide* owner of real estate in such electoral district of the value of \$200 or upwards, or who is at the time of the election a resident householder of such place, and has been such owner or householder for the six months next
5 preceding the election.

2. Section 6 of *The Election Act* is hereby repealed.

R. S. O. c. 10,
s. 6, repealed.

3. This Act shall be read as part of *The Election Act*.

Act to be read
as part of
R. S. O. c. 10.

No. 51.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to enable Widows and Unmarried
Women to Vote for Members of the Leg-
islative Assembly.

First Reading, 8th February, 1886.

Mr. WATERS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act respecting the Agricultural College.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 3, of the Act passed in the 43rd year of Her Majesty's reign, chapter 33, is hereby amended by striking out the words between the word 'apprenticeship' in the third line, and the word 'and' in the fifth line, and inserting in lieu thereof:

And the hours of labor in such practical instruction shall be regulated by the President of the College with the approval of the Commissioner of Agriculture.

2. The following shall be inserted as sub-section 2 of section 6: Sec. 6,
amended.

2. The Lieutenant-Governor in Council may appoint an Advisory Board of practical agriculturists to advise and assist the Commissioner of Agriculture in the management of the College and Farm, and may by Order in Council prescribe its duties and powers. Such Board shall consist of five members, exclusive of the Assistant Commissioner of Agriculture, who shall be ex-officio a member of said Board. Advisory
Board.

3.—(1) Every county and every Territorial District in the Province may have the privilege of having during all College terms one student in attendance, and receiving instruction at the College, without the payment of any entrance or tuition fee. Admission of
students free
of entrance
and tuition
fees. The County Council of each County shall nominate the student entitled to this privilege for the County, and the Advisory Board shall nominate the students for the Territorial Districts. Such student must be the son of a practical farmer resident in the County or District, and have lived on his parents' farm at least two years prior to his admission to the College.

(2) The Lieutenant-Governor in Council may prescribe the manner in which such students shall be nominated by the County Councils and Advisory Board.

4. The members of the Advisory Board appointed by the Lieutenant-Governor in Council shall be paid for attending the meetings of the Board an allowance not exceeding \$4 per day, and also their actual necessary travelling expenses in attending said meetings. Payment of
Board.

No. 52.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Act respecting the
Agricultural College.

First Reading, 8th February, 1886.

Mr. ROSS,
(*Huron.*)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act respecting the Agricultural College.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3, of the Act passed in the 43rd year of Her Majesty's reign, chapter 33, is hereby amended by striking out the words between the word 'apprenticeship' in the third line, and the word 'and' in the fifth line, and inserting in lieu thereof:—
 "And the hours of labor in such practical instruction shall be regulated by the President of the College with the approval of the Commissioner of Agriculture."


2. The following shall be inserted as sub-section 2 of section 6: Sec. 6, amended.

2. The Lieutenant-Governor in Council may appoint an Advisory Board of practical agriculturists to advise and assist the Commissioner of Agriculture in the management of the College and Farm, and may by Order in Council prescribe its duties and powers. Such Board shall consist of five members, exclusive of the Assistant Commissioner of Agriculture, who shall be ex-officio a member of said Board. Advisory Board.

- 3.—(1) Every county and every Territorial District in the Province may have the privilege of having during all College terms one student in attendance, and receiving instruction at the College, without the payment of any entrance or tuition fee. Admission of students free of entrance and tuition fees.
 25 The County Council of each County shall nominate the student entitled to this privilege for the County, and the Advisory Board shall nominate the students for the Territorial Districts. Such student must be the son of a practical farmer resident in the County or District, and have lived on his parents' farm at least two years prior to his admission to the College.

(2) The Lieutenant-Governor in Council may prescribe the manner in which such students shall be nominated by the County Councils and Advisory Board.

4. Every Order in Council under this Act shall be laid before the Legislative Assembly forthwith, if the Legislature is in session at the date of the order, and if the Legislature is not then in session, the order is to be laid before the said Assembly within the first fourteen days of the session next, after the Order in Council is made; and in case the Assembly at the said session (or if the session does not continue for three weeks after the order is laid before the House then, at the Order in Council to be laid before Legislature.

ensuing session of the Legislature) disapprove by resolution of such Order in Council; the same so far as so disapproved of, shall have no effect from the time of such resolution being passed. 

Payment of
Board.

5. The members of the Advisory Board appointed by the Lieutenant-Governor in Council shall be paid for attending the meetings of the Board an allowance not exceeding \$4 per day, and also their actual necessary travelling expenses in attending said meetings. 5

No. 52.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting the
Agricultural College.

(Reprinted as amended by Committee of
Whole House.)

First Reading,	8th February, 1886.
Second "	23rd " 1886.

Mr. ROSS,
(Huron.)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act respecting the Agricultural College.

HER MAJESTY, by and with the advice and consent of the 43 V. c. 33, s. 3, amended.
Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 3, of the Act passed in the 43rd year of Her Majesty's reign, chapter 33, is hereby amended by striking out the words between the word 'apprenticeship' in the third line, and the word 'and' in the fifth line, and inserting in lieu thereof:

"And the hours of labour in such practical instruction shall be regulated by the President of the College with the approval of the Commissioner of Agriculture."
2. The following shall be inserted as sub-section 2 of section 6:

(2) The Lieutenant-Governor in Council may appoint an Advisory Board of practical agriculturists to advise and assist the Commissioner of Agriculture in the management of the College and Farm, and may by Order in Council prescribe its duties and powers. *The members appointed to the Board shall not exceed seven.* The Assistant Commissioner of Agriculture shall be ex-officio a member of said Board. Three members thereof may, upon the constitution of the Board, be appointed for the period of one year, and the other members thereof for a period of two years. Subsequent appointments may be for a period of two years, and any retiring member shall be eligible for re-appointment.
- 3.—(1) Every county and every Territorial District in the Province may have the privilege of having during all College terms one student in attendance, and receiving instruction at the College, without the payment of any entrance or tuition fee. The County Council of each County shall nominate the student entitled to this privilege for the County, and the Advisory Board shall nominate the students for the Territorial Districts. Such student must be the son of a practical farmer resident in the County or District, and have lived on his parents' farm at least two years prior to his admission to the College.

Admission of students free of entrance and tuition fees.
- (2) The Lieutenant-Governor in Council may prescribe the manner in which such students shall be nominated by the County Councils and Advisory Board.

Orders in Council to be laid before Legislature.
4. Every Order in Council under this Act shall be laid before the Legislative Assembly forthwith, if the Legislature is in session at the date of the Order, and if the Legislature is

not then in session, the Order is to be laid before the said Assembly within the first fourteen days of the session next after the Order in Council is made ; and in case the Assembly at the said session (or if the session does not continue for three weeks after the Order is laid before the House then, at the ensuing session of the Legislature) disapprove by resolution of the Order in Council ; the same so far as so disapproved of, shall have no effect from the time of such resolution being passed. 5

Payment of
Board.

5. The members of the Advisory Board appointed by the Lieutenant-Governor in Council shall be paid for attending the meetings of the Board an allowance not exceeding \$4 per day, and also their actual necessary travelling expenses in attending said meetings. 10

No. 52.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting the
Agricultural College.

*(Reprinted as again amended by Com-
mittee of the Whole House on March 11th,
1886.)*

First Reading,	8th February,	1886.
Second "	23rd "	1886.

Mr. ROSS,
(Huron).

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to provide for the better Auditing of the
Public Accounts of the Province.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. For the purpose of reference and decision in regard to Treasury Board.
5 matters hereafter referred to it, a Treasury Board composed of
three members of the Executive Council may be appointed by
the Lieutenant-Governor, and the three members so appointed
shall be the Treasury Board for the time being.
2. For the more complete examination of the Public Accounts Appointment of Auditor-General.
10 of the Province, and for the reporting thereon to the Legisla-
tive Assembly, the Lieutenant-Governor may, under the great
seal of the Province appoint an officer to be called the Auditor-
General of the Province, and such officer may be paid out of
the Consolidated Revenue Fund of the Province, a salary of
15 per annum.
3. The Auditor-General shall hold office during good be- Tenure of office.
haviour, but shall be removable for cause by the Lieutenant-
Governor on address of the Legislative Assembly.
4. The Lieutenant-Governor in Council shall, from time Appointment of officers.
20 to time, appoint any officer, clerk or other person to be em-
ployed in the office of the Auditor-General subject to the
provisions of any Act or Acts regulating the Civil Service of
Ontario.
5. The Auditor-General shall have power to make, from Regulations for conducting business of office, how made.
25 time to time, orders and rules for the conduct of the
internal business of his office, and to promote, suspend
or remove any officer, clerk or other person employed
therein, and to prescribe regulations and forms for the guid-
ance of principal and sub-accountants in making up and ren-
30 dering their accounts for examination: Provided always, that
all such rules, regulations and forms shall be approved by
the Treasury Board previously to the issue thereof.
6. It shall be the duty of the Auditor-General and the Cancelling de-
bentures.
Assistant Treasurer to examine and cancel debentures, or other
35 Provincial securities representing any debt of the Province
and which have been redeemed.
7. The Auditor-General shall examine, check, and audit all Auditor-General to audit public accounts.
accounts of receipts and expenditure of public moneys,

whether appertaining to the Province, or received or expended by the Province on account of or in trust for any other party or parties.

Auditor-General to see that money is not expended without or in excess of appropriation.

8. The Auditor-General shall, subject to the exceptions hereafter provided for, see that no cheque issues for the payment of any public money, for which there is no direct legislative appropriation, or in excess of any portion of such appropriation the expenditure of which has been authorized by the Lieutenant-Governor in Council, and he shall report to the Lieutenant-Governor in Council through the Treasurer any case in which a department or sub-accountant has expended money out of the proceeds of any accountable warrant for any purpose for which there is no sufficient authority, or beyond the amount for which there is such authority.

When only cheques may issue without certificate of Auditor-General.

9. No cheque for public money shall issue except upon the certificate of the Auditor-General that there is legislative authority for the expenditure, save only in the following cases:—

1. If, upon any application for a cheque, the Auditor-General has reported that there is no legislative authority for issuing it, then upon the written opinion of the Attorney-General, or in his absence the Deputy-Attorney General, that there is such authority, citing it, the Treasurer may authorize the Assistant Treasurer to prepare the cheque, irrespective of the Auditor-General's report;

2. If, when the Legislature is not in session any accident happens to any public work or building which requires an immediate outlay for the repair thereof, or any other occasion arises when any expenditure not foreseen or provided for by the Legislature is urgently and immediately required for the public good, then upon the report of the Treasurer that there is no legislative provision, and of the Minister having charge of the service in question that the necessity is urgent, the Lieutenant-Governor in Council may order a special warrant to be prepared, to be signed by the Lieutenant-Governor for the issue of the amount estimated to be required, which shall be placed by the Treasurer to a special account, against which cheques may issue from time to time in the usual form, as they may be required;

3. In the absence of the Treasurer, or in the case of vacancy in the office of Treasurer, the Auditor-General is authorized to make the said report;

4. If the Auditor-General has refused to certify that a cheque of the Treasurer may issue, on the ground that the money is not justly due, or that it is in excess of the authority granted by Council, or for any reason other than that there is no legislative authority, then upon a report of the case prepared by the Auditor-General and the Treasurer, the Treasury Board shall be the judge of the sufficiency of the Auditor-General's objection, and may sustain him or order the issue of the cheque in their discretion;

5. The Auditor-General shall countersign all cheques issued by the Treasurer, but before so countersigning he shall satisfy himself that such cheques are authorized under some one or other of the provisions of this section;

10. It shall be the duty of the Auditor-General in all such cases to prepare a statement of all such legal opinions, reports of Council, special warrants, and cheques issued without his certificate and of all expenditure incurred in consequence thereof, which statement he shall deliver to the Treasurer, to be by him presented to the Legislative Assembly at the same time as the Public Accounts are presented.

Statement by Auditor-General of cheques, etc., issued without his certificate.

11. No payment shall be authorized by the Auditor-General in respect of work performed, or materials supplied by any person in connection with any part of the public service of the Province, unless, in addition to any other voucher or certificate which may be required in that behalf, the officer, under whose special charge such part of the public service is, certifies that the work has been performed, or the materials supplied, as the case may be, and that the price charged is according to contract, or, if not covered by a contract, is fair and just.

Accounts for work, etc., to be certified by officer in charge.

12. It shall be the duty of the Assistant Treasurer to prepare and submit to the Treasurer the Public Accounts to be annually laid before the Legislature, such accounts to be countersigned by the Auditor-General.

Preparation of public accounts.

13. The Public Accounts shall include the period from the first day of January to the thirty-first day of December in each year, which period shall constitute the financial year; all estimates submitted to the Legislature shall be for the services coming in course of payment during the financial year; and any sums appropriated by the Legislature for the services of the year, which may be unexpended on the thirty-first day of December, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to that day; and all balances of appropriations which remain unexpended after the twentieth day of January shall lapse and be written off.

Financial year.

14. The Lieutenant-Governor in Council may also, from time to time, in case of exigency arising out of failure of the revenue from unforeseen causes, direct the Treasurer to effect any needed temporary loans, chargeable on the Consolidated Revenue Fund, in such manner and form, in such amounts, payable at such periods as the Lieutenant-Governor in Council may authorize; but such loans shall not exceed the amount of the deficiencies in the said Consolidated Revenue Fund to meet the charges placed thereon by law, and shall not be applied to any other purposes whatever.

Temporary loans to meet failure of revenue from unforeseen causes.

15. The Treasury Board may alter the period at or to which any accountant for public moneys, public officer, corporation or institution, is required to render any account or to make any return, whenever in their opinion the alteration will facilitate the correct preparation of the public accounts or estimates for the financial year, anything in any Act to the contrary notwithstanding.

Treasury board may alter date of returns.

16. In conducting the examination of the vouchers relating to the appropriation of the grants for the several services sanctioned by the Appropriation Act of the year, or by an Act of the Legislature, the Auditor-General shall test the accuracy

Examination of vouchers.

of the castings and computations of the several items of such vouchers; but if he is satisfied that the accounts bear evidence that the vouchers have been completely checked, examined, and certified as correct in every respect, and that they have been allowed, and passed by the proper departmental officers, 5 he may admit the same as satisfactory: Provided always, that if the Treasurer should desire any such vouchers to be examined by the Auditor-General in greater detail, the Auditor-General shall cause such vouchers to be subjected to such a detailed examination as the Treasurer may think fit to 10 prescribe.

Appropriation ledger.

17. The Auditor-General shall keep an appropriation ledger, in which shall be entered the several supply grants comprised in the Appropriation Act for the year, against which shall be charged all authorized expenditure out of such 15 appropriations. The Auditor-General shall furnish to each Department monthly a statement of the charges entered against the several appropriations belonging to such Department, and showing the balance at the credit of the appropriation at the close of the month. Whenever any appropriation 20 is exhausted, the Auditor-General shall at once notify the Department to which the appropriation belongs. The Auditor-General shall not sanction any further payments to be charged to such exhausted appropriation except as hereafter provided.

Determination of differences as to charges against appropriations.

18. Should any difference arise between the Auditor-General 25 and any Department respecting the appropriation to which any authorized expenditure should be charged, such difference may by the Department be referred to the Treasury Board, and the Board shall determine in what manner and to what appropriation or account such expenditure shall be charged. 30

Payments in excess of appropriations.

19. In any case where an appropriation is exhausted and the public interest or the urgent requirements of the public service necessitate further payments in excess of the appropriation, the head of the Department to which such appropriation belongs, or his Deputy, shall transmit to the Auditor-General 35 the accounts for which payment is asked, with a special report as to the necessity of payment and the reasons why the appropriation is insufficient. The Auditor-General shall submit the said accounts and departmental report to the Treasury Board, with such remarks either approving or dis- 40 approving of the payment as he may consider necessary. If the Treasury Board approve of the payment of said accounts the Auditor-General, upon being notified of such approval, shall authorize the issue of cheques therefor.

Report of over expenditure.

20. The Auditor-General shall report to the Treasurer, for 45 the information of the Legislative Assembly, all over expenditures of appropriations as granted by the Supply Bill, citing the recommendation and explanations of the Department and the authority of the Treasury Board.

Particulars which are to be mentioned in report of Auditor-General.

21. In reporting as hereinbefore directed for the informa- 50 tion of the Legislative Assembly the result of the examination of the appropriation accounts, the Auditor-General shall call attention to every case in which cheques have been issued without his certificate, or in which it may appear to

him that a grant has been exceeded, or that money received by a Department from other sources than the grants for the year to which the account relates has not been applied or accounted for according to the directions of the Legislature, or that a sum charged against a grant is not supported by proof of payment, or that a payment so charged did not occur within the period of the account, or was for any other reason not properly chargeable against the grant.

22. If the Treasurer does not, within the time prescribed by this Act, present to the Legislative Assembly any report made by the Auditor-General on the appropriation accounts, or any other accounts, the Auditor-General shall forthwith present such report.

Report by Auditor-General to Legislative Assembly.

23. Besides the appropriation accounts of the grants of the Legislature, the Auditor-General shall examine and audit, if required to do so by the Treasurer, and in accordance with any regulations that may be prescribed for his guidance in that behalf by the Treasury Board, the following accounts, viz: the accounts of all receipts of revenues forming the Consolidated Revenue Fund of the Province; the accounts current with the several banks and financial agents of the Province; the accounts relating to the issue or redemption of loans, and any other public accounts which, though not relating directly to the receipts or expenditure of the Province, the Treasury Board may direct.

Accounts which are to be examined by Auditor-General.

24. The accounts which, by the last preceding section, the Treasurer is empowered to subject to the examination of the Auditor-General, shall be rendered to him by the Departments or officers directed so to do by the Treasurer; and the term "Accountant" when used in this and the following sections of this Act with reference to any such accounts, shall be taken to mean the Department or officer that may be so required by the Treasurer to render the same; and every public officer into whose hands public moneys, either in the nature of revenue or fees of office, shall be paid by persons bound by law or regulation to do so, or by subordinate or other officers whose duty it may be to pay such moneys, wholly, or in part, into the account of the Treasurer, or to apply the same to any public service, shall, at such times and in such form as the Treasury Board shall determine, render an account of his receipts and payments to the Auditor-General; and it shall be the duty of the Clerk of the Executive Council to inform the Auditor-General of the appointment of every such officer.

Accounts to be submitted to Auditor-General.

25. In all cases where the Auditor-General is required by the Treasurer to examine and audit the accounts of the receipt, expenditure, sale, transfer, or delivery of any securities, stamps, Canadian or other Government stock or annuities, provisions, stores, or other property belonging to the Province, he shall, on the examination of such accounts being completed, transmit a statement thereof, or a report thereon, to the Treasurer, who shall, if he thinks fit, signify his approval of such accounts; and the Auditor-General on receipt of such approval shall thereupon transmit to the Accountant a certificate in a form to be from time to time determined by the Auditor-General,

Approval of accounts.

which shall be to such Accountant a valid and effectual discharge from so much as he may thereby appear to be discharged from.

Auditor-General may examine on oath.

26. The Auditor-General shall have full power and authority to examine any person on oath or affirmation on any matter 5
pertinent to any account submitted to him for audit; such oath or affirmation may be administered by him to any person whom he may desire to examine.

Recovery of balances of public money in hands of accountants.

27. Every Accountant, on the termination of his charge as such Accountant, or in the case of a deceased Accountant his 10
representatives, shall forthwith pay over any balance of public money then due to the Crown in respect of such charge to the public officer authorized to receive the same: and in all cases in which it shall appear to the Auditor-General that balances of public money have been improperly and unnecessarily retained 15
by an Accountant, he shall report the circumstances of such cases to the Treasurer, who shall take such measures as to him may seem expedient for the recovery by legal process, or by other lawful ways and means, of the amount of such balance or balances, together with interest, upon the whole or on such part 20
of such balance or balances, for such period of time, and at such rate as to the Treasurer may appear just and reasonable.

No. 53.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to provide for the better Auditing
of the Public Accounts of the Province.

First Reading, 8th February, 1886.



Mr. ROSS,
(*Huron*).

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act to provide for the better Auditing of the
Public Accounts of the Province.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. For the purpose of reference and decision in regard to Treasury
5 matters hereafter referred to it, a Treasury Board composed of Board.
three members of the Executive Council may be appointed by
the Lieutenant-Governor, and the three members so appointed
shall be the Treasury Board for the time being.
2. For the more complete examination of the Public Accounts Appointment
10 of the Province, and for the reporting thereon to the Legisla- of Provincial
tive Assembly, the Lieutenant-Governor may, under the great Auditor.
seal of the Province appoint an officer to be called the *Provincial*
Auditor of the Province, and such officer may be paid out of
the Consolidated Revenue Fund of the Province, a salary of
15 \$2,400 per annum.
3. The *Provincial* Auditor shall hold office during good be- Tenure of
haviour, but shall be removable for cause by the Lieutenant- office.
Governor on address of the Legislative Assembly.
4. The Lieutenant-Governor in Council shall, from time Appointment
20 to time, appoint any officer, clerk or other person to be em- of officers.
ployed in the office of the *Provincial* Auditor subject to the
provisions of any Act or Acts regulating the Civil Service of
Ontario.
5. The *Provincial* Auditor shall have power to make, from Regulations
25 time to time, orders and rules for the conduct of the for conducting
internal business of his office, and to promote, suspend business of
or remove any officer, clerk or other person employed office, how
therein, and to prescribe regulations and forms for the guid- made.
ance of principal and sub-accountants in making up and ren-
30 dering their accounts for examination: Provided always, that
all such rules, regulations and forms shall be approved by
the Treasury Board previously to the issue thereof.  The
said rules and regulations shall be laid before the House of
Assembly within the first ten days of the Session next after
35 the date when the same have been approved by the Treasury
Board. 
6. It shall be the duty of the *Provincial* Auditor and the Cancelling de-
Assistant Treasurer to examine and cancel debentures, or other bentures.

Provincial securities representing any debt of the Province and which have been redeemed.

Provincial Auditor to audit public accounts.

7. The *Provincial* Auditor shall examine, check, and audit all accounts of receipts and expenditure of public moneys, whether appertaining to the Province, or received or expended 5 by the Province on account of or in trust for any other party or parties.

Provincial Auditor to see that money is not expended without or in excess of appropriation.

8. The *Provincial* Auditor shall, subject to the exceptions hereafter provided for, see that no cheque issues for the payment of any public money, for which there is no direct legislative appropriation, or in excess of any portion of such appropriation 10 the expenditure of which has been authorized by the Lieutenant-Governor in Council, and he shall report to the Lieutenant-Governor in Council through the Treasurer any case in which a department or sub-accountant has expended money 15 out of the proceeds of any accountable warrant for any purpose for which there is no sufficient authority, or beyond the amount for which there is such authority.

When only cheques may issue without certificate of Provincial Auditor.

9. No cheque for public money shall issue except upon the certificate of the *Provincial* Auditor that there is legislative 20 authority for the expenditure, save only in the following cases :—

1. If, upon any application for a cheque, the *Provincial* Auditor has reported that there is no legislative authority for issuing it, then upon the written opinion of the Attorney- 25 General, or in his absence the Deputy-Attorney General, that there is such authority, citing it, the Treasurer may authorize the Assistant Treasurer to prepare the cheque, irrespective of the *Provincial* Auditor's report ;

2. If, when the Legislature is not in session any accident 30 happens to any public work or building which requires an immediate outlay for the repair thereof, or any other occasion arises when any expenditure not foreseen or provided for by the Legislature is urgently and immediately required for the public good, then upon the report of the Treasurer that 35 there is no legislative provision, and of the Minister having charge of the service in question that the necessity is urgent, the Lieutenant-Governor in Council may order a special warrant to be prepared, to be signed by the Lieutenant-Governor for the issue of the amount estimated to be required, which shall 40 be placed by the Treasurer to a special account, against which cheques may issue from time to time in the usual form, as they may be required ;

3. In the absence of the Treasurer, or in the case of vacancy in the office of Treasurer, the *Provincial* Auditor is 45 authorized to make the said report ;

4. If the *Provincial* Auditor has refused to certify that a cheque of the Treasurer may issue, on the ground that the money is not justly due, or that it is in excess of the authority granted by Council, or for any reason other than that 50 there is no legislative authority, then upon a report of the case prepared by the *Provincial* Auditor and the Treasurer, the Treasury Board shall be the judge of the sufficiency of the

Provincial Auditor's objection, and may sustain him or order the issue of the cheque in their discretion ;

5. The *Provincial Auditor* shall countersign all cheques issued by the Treasurer, but before so countersigning he shall satisfy himself that such cheques are authorized under some one or other of the provisions of this section ;

6. The *Provincial Auditor* shall keep a cheque record-book with each bank upon which cheques are drawn, in which shall be entered all bank cheques countersigned by him, giving the date of issue, the name of the party to whose order payable and the amount ; and the Auditor shall initial the entry of each cheque countersigned by him, after satisfying himself that such entry is correct.

10. It shall be the duty of the *Provincial Auditor* in all such cases to prepare a statement of all such legal opinions, reports of Council, special warrants, and cheques issued without his certificate and of all expenditure incurred in consequence thereof, which statement he shall deliver to the Treasurer, to be by him presented to the Legislative Assembly at the same time as the Public Accounts are presented.

Statement by Provincial Auditor of cheques, etc., issued without his certificate.

11. No payment shall be authorized by the *Provincial Auditor* in respect of work performed, or materials supplied by any person in connection with any part of the public service of the Province, unless, in addition to any other voucher or certificate which may be required in that behalf, the officer, under whose special charge such part of the public service is, certifies that the work has been performed, or the materials supplied, as the case may be, and that the price charged is according to contract, or, if not covered by a contract, is fair and just.

Accounts for work, etc., to be certified by officer in charge.

12. It shall be the duty of the *Provincial Auditor* to prepare and deliver to the Treasurer the Public Accounts to be annually laid before the Legislature.

Preparation of public accounts.

13. The Public Accounts shall include the period from the first day of January to the thirty-first day of December in each year, which period shall constitute the financial year ; all estimates submitted to the Legislature shall be for the services coming in course of payment during the financial year ; and any sums appropriated by the Legislature for the services of the year, which may be unexpended on the thirty-first day of December, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to that day ; and all balances of appropriations which remain unexpended after the twentieth day of January shall lapse and be written off.

Financial year.

14. The Lieutenant-Governor in Council may also, from time to time, in case of exigency arising out of failure of the revenue from unforeseen causes, direct the Treasurer to effect any needed temporary loans, chargeable on the Consolidated Revenue Fund, in such manner and form, in such amounts, payable at such periods as the Lieutenant-Governor in Council may authorize ; but such loans shall not exceed the amount of the deficiencies in the said Consolidated Revenue Fund to

Temporary loans to meet failure of revenue from unforeseen causes.

meet the charges placed thereon by law, and shall not be applied to any other purposes whatever.

Treasury board may alter date of returns.

15. The Treasury Board may alter the period at or to which any accountant for public moneys, public officer, corporation or institution, is required to render any account or to make any return, whenever in their opinion the alteration will facilitate the correct preparation of the public accounts or estimates for the financial year, anything in any Act to the contrary notwithstanding. 5

Audit by deputy heads, etc.

16. The deputy heads of the several departments, or the officers, clerks or other persons charged with the expenditure of public moneys, shall respectively audit the details of the accounts of the several services in the first instance, and be responsible for the correctness of such audit. 10

Examination of vouchers.

17. In conducting the examination of the vouchers relating to the appropriation of the grants for the several services sanctioned by the Appropriation Act of the year, or by an Act of the Legislature, the *Provincial* Auditor shall test the accuracy of the castings and computations of the several items of such vouchers; but if he is satisfied that the accounts bear evidence that the vouchers have been completely checked, examined, and certified as correct in every respect, and that they have been allowed, and passed by the proper departmental officers, he may admit the same as satisfactory: Provided always, that if the Treasurer should desire any such vouchers to be examined by the *Provincial* Auditor in greater detail, the *Provincial* Auditor shall cause such vouchers to be subjected to such a detailed examination as the Treasurer may think fit to prescribe. 15 20 25

Appropriation ledger.

18. The *Provincial* Auditor shall keep an appropriation ledger, in which shall be entered the several supply grants comprised in the Appropriation Act for the year, against which shall be charged all authorized expenditure out of such appropriations. The *Provincial* Auditor shall furnish to each Department monthly a statement of the charges entered against the several appropriations belonging to such Department, and showing the balance at the credit of the appropriation at the close of the month. Whenever any appropriation is exhausted, the *Provincial* Auditor shall at once notify the Department to which the appropriation belongs. The *Provincial* Auditor shall not sanction any further payments to be charged to such exhausted appropriation except as hereafter provided. 30 35 40

Determination of differences as to charges against appropriations.

19. Should any difference arise between the *Provincial* Auditor and any Department respecting the appropriation to which any authorized expenditure should be charged, such difference may by the Department be referred to the Treasury Board, and the Board shall determine in what manner and to what appropriation or account such expenditure shall be charged. 45 50

Payments in excess of appropriations.

20. In any case where an appropriation is exhausted and the public interest or the urgent requirements of the public service necessitate further payments in excess of the appro-

priation, the head of the Department to which such appropriation belongs, or his Deputy, shall transmit to the *Provincial Auditor* the accounts for which payment is asked, with a special report as to the necessity of payment and the reasons why the appropriation is insufficient. The *Provincial Auditor* shall submit the said accounts and departmental report to the Treasury Board, with such remarks either approving or disapproving of the payment as he may consider necessary. If the Treasury Board approve of the payment of said accounts, the *Provincial Auditor*, upon being notified of such approval, shall authorize the issue of cheques therefor.

21. The *Provincial Auditor* shall report to the Treasurer, for the information of the Legislative Assembly, all over expenditures of appropriations as granted by the Supply Bill, citing the recommendation and explanations of the Department and the authority of the Treasury Board.

Report of over expenditure.

22. In reporting as hereinbefore directed for the information of the Legislative Assembly the result of the examination of the appropriation accounts, the *Provincial Auditor* shall call attention to every case in which it may appear to him that a grant has been exceeded, or that money received by a Department from other sources than the grants for the year to which the account relates has not been applied or accounted for according to the directions of the Legislature, or that a sum charged against a grant is not supported by proof of payment, or that a payment so charged did not occur within the period of the account, or was for any other reason not properly chargeable against the grant.

Particulars which are to be mentioned in report of Auditor-General.

23. If the Treasurer does not, at the time prescribed by this Act, present to the Legislative Assembly any report made by the *Provincial Auditor* on the appropriation accounts, or any other accounts, the *Provincial Auditor* shall forthwith present such report.

Report by Auditor-General to Legislative Assembly.

24. Besides the appropriation accounts of the grants of the Legislature, the *Provincial Auditor* shall examine and audit, if required to do so by the Treasurer, and in accordance with any regulations that may be prescribed for his guidance in that behalf by the Treasury Board, the following accounts, viz: the accounts of all receipts of revenues forming the Consolidated Revenue Fund of the Province; the accounts current with the several banks and financial agents of the Province; the accounts relating to the issue or redemption of loans, and any other public accounts which, though not relating directly to the receipts or expenditure of the Province, the Treasury Board may direct.

Accounts which are to be examined by Auditor-General.

25. The accounts which, by the last preceding section, the Treasurer is empowered to subject to the examination of the *Provincial Auditor*, shall be rendered to him by the Departments or officers directed so to do by the Treasurer; and the term "Accountant" when used in this and the following sections of this Act with reference to any such accounts, shall be taken to mean the Department or officer that may be so required by the Treasurer to render the same; and every public officer into whose hands public moneys, either in the nature of revenue or

Accounts to be submitted to Provincial Auditor.

fees of office, shall be paid by persons bound by law or regulation to do so, or by subordinate or other officers whose duty it may be to pay such moneys, wholly, or in part, into the account of the Treasurer, or to apply the same to any public service, shall, at such times and in such form as the Treasury Board 5 shall determine, render an account of his receipts and payments to the *Provincial* Auditor; and it shall be the duty of the Clerk of the Executive Council to inform the *Provincial* Auditor of the appointment of every such officer.

Approval of
accounts.

26. In all cases where the *Provincial* Auditor is required by 10 the Treasurer to examine and audit the accounts of the receipt, expenditure, sale, transfer, or delivery of any securities, stamps, Canadian or other Government stock or annuities, provisions, stores, or other property belonging to the Province, he shall, on the examination of such accounts being completed, transmit 15 a statement thereof, or a report thereon, to the Treasurer, who shall, if he thinks fit, signify his approval of such accounts; and the *Provincial* Auditor on receipt of such approval shall thereupon transmit to the Accountant a certificate in a form to be from time to time determined by the *Provincial* Auditor, 20 which shall be to such Accountant a valid and effectual discharge from so much as he may thereby appear to be discharged from.

Provincial
Auditor
may
examine on
oath.

27. The *Provincial* Auditor shall have full power and authority to examine any person on oath or affirmation on any 25 matter pertinent to any account submitted to him for audit; such oath or affirmation may be administered by him to any person whom he may desire to examine.

Recovery of
balances of
public money
in hands of
accountants.

28. Every Accountant, on the termination of his charge as such Accountant, or in the case of a deceased Accountant his 30 representatives, shall forthwith pay over any balance of public money then due to the Crown in respect of such charge to the public officer authorized to receive the same: and in all cases in which it shall appear to the *Provincial* Auditor that balances of public money have been improperly and unnecessarily retained 35 by an Accountant, he shall report the circumstances of such cases to the Treasurer, who shall take such measures as to him may seem expedient for the recovery by legal process, or by other lawful ways and means, of the amount of such balance or balances, together with interest, upon the whole or on such part 40 of such balance or balances, for such period of time, and at such rate as to the Treasurer may appear just and reasonable.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to provide for the better Auditing
of the Public Accounts of the Province.

*(Reprinted as amended by Committee of
Whole House.)*

First Reading,	8th February,	1886.
Second " 23rd	" "	1886.

Mr. ROSS,
(*Huron*).

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

No. 54.]

BILL.

[1886.

An Act respecting the Irondale, Bancroft and Ottawa
Railway Company.

WHEREAS the Irondale, Bancroft and Ottawa Railway Company (formerly the Toronto and Nipissing Eastern Extension Railway Company) have petitioned for certain amendments to their Act of Incorporation passed in the 43rd year of Her Majesty's reign, chaptered 67, and it is expedient to grant the prayer of the said petition ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

- 10 1. The time for the building and completion of the said railway is hereby extended to the first of January, 1891.
2. The said company shall have power to extend their line of railway to a point at or near the town of Orillia, in the County of Simcoe, and Province of Ontario, to join some one or more of the lines of railway passing that point.

Time for completion extended.

Extension of line authorized.

No. 54.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Irondale, Bancroft
and Ottawa Railway Company.

First Reading,	1886.
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(Private Bill.)

Mr. FELL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Irondale, Bancroft and Ottawa
Railway Company.

WHEREAS the Irondale, Bancroft and Ottawa Railway Company (formerly the Toronto and Nipissing Eastern Extension Railway Company) have petitioned for certain amendments to their Act of Incorporation passed in the 43rd year of Her Majesty's reign, chaptered 67, and it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

10 **1.** The time for the building and completion of the said railway is hereby extended to the first of January, 1891. Time for completion extended.

2. The said company shall have power to extend their line of railway to a point at or near the town of Orillia, in the County of Simcoe, and Province of Ontario, to join some one or more of the lines of railway passing that point. Extension of line authorized.

3. The directors elected by the shareholders may pay, or agree to pay in paid up stock, or in the bonds of the said company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a vote of the shareholders at any general meeting, for the services of the promoters, or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional directors or not, and any agreement so made shall be binding on the Company. Directors may make certain payments in paid up stock or in bonds.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Irondale, Baneroff
and Ottawa Railway Company.

*(Reprinted as amended by Railway
Committee.)*

First Reading, 22nd February, 1886.

(Private Bill.)

Mr. FELL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act respecting the Riverside Cemetery Company
of Port Arthur.

WHEREAS the Riverside Cemetery Company of Port Preamble.

Arthur, incorporated under and by virtue of chapter 170, of the Revised Statutes of Ontario, entitled *An Act respecting Cemetery Companies*, is desirous of selecting, for the purpose of a cemetery or burying ground, a certain piece or parcel of land within the limits of the corporation of the Town of Port Arthur, containing twenty-six acres, more or less, and which may be more particularly described as follows: Commencing at a point where the eastern boundary of section 50, of the Township of McIntyre, in the Town of Port Arthur, intersects the northern limit of the "Oliver" Road; as now located; thence north astronomically eight chains and sixty-six links, to the north-east corner of section 50 aforesaid; thence west astronomically along the northern boundary of said section, thirteen chains and twenty-seven links to a post; thence south thirty-seven degrees west astronomically, thirteen chains and seventy-five links to a post; thence west astronomically three chains to the waters edge, of what is commonly known as the First River; thence south-westerly along the waters edge ten chains, more or less, to a post planted at the western point of the property hereby described; thence south twenty-eight degrees thirty-six links east, astronomically two chains seventy-six links to a post planted on the north limit of the Oliver Road; thence north-easterly along the northern limit of said road thirty chains and twenty links, more or less, to the point of commencement, containing by admeasurement twenty-six acres, be the same more or less; and whereas the said land is distant about two and one-half miles from the business portion of the said Town of Port Arthur; and whereas owing to the extensive limits of the corporation of the Town of Port Arthur, it would be highly inconvenient to be compelled to select a site for burial purposes beyond the limits of said town, and it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Riverside Cemetery Company of Port Arthur is hereby authorized and empowered to purchase the piece or parcel of land in the preamble hereto described, and to hold and dispose of the same, for the purposes of a cemetery or burying ground, under and by virtue of the said Act respecting cemetery companies. Company
empowered to
acquire land
in Port
Arthur.

3rd Session, 6th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Riverside Cemetery
Company of Port Arthur.

First Reading,	1886.
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(Private Bill.)

Mr. CONNELL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Riverside Cemetery Company of Port Arthur.

WHEREAS the Riverside Cemetery Company of Port Arthur, incorporated under and by virtue of chapter 170, of the Revised Statutes of Ontario, entitled *An Act respecting Cemetery Companies*, is desirous of selecting, for the purpose of a cemetery or burying ground, a certain piece or parcel of land within the limits of the corporation of the Town of Port Arthur, containing twenty-six acres, more or less, and which may be more particularly described as follows: Commencing at a point where the eastern boundary of section 50, of the Township of McIntyre, in the Town of Port Arthur, intersects the northern limit of the "Oliver" Road, as now located; thence north astronomically eight chains and sixty-six links, to the north-east corner of section 50 aforesaid; thence west astronomically along the northern boundary of said section, thirteen chains and twenty-seven links to a post; thence south thirty-seven degrees west astronomically, thirteen chains and seventy-five links to a post; thence west astronomically three chains to the waters edge, of what is commonly known as the First River; thence south-westerly along the waters edge ten chains, more or less, to a post planted at the western point of the property hereby described; thence south twenty-eight degrees thirty-six links east, astronomically two chains seventy-six links to a post planted on the north limit of the Oliver Road; thence north-easterly along the northern limit of said road thirty chains and twenty links, more or less, to the point of commencement, containing by admeasurement twenty-six acres, be the same more or less; and whereas the said land is distant about two and one-half miles from the business portion of the said Town of Port Arthur; and whereas owing to the extensive limits of the corporation of the Town of Port Arthur, it would be highly inconvenient to be compelled to select a site for burial purposes beyond the limits of said town, and it is expedient to grant the prayer of the said petition: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. The Riverside Cemetery Company of Port Arthur is hereby authorized and empowered to purchase the piece or parcel of land in the preamble hereto described, and to hold and dispose of the same, for the purposes of a cemetery or burying ground, under and by virtue of the said Act respecting cemetery companies.

Preamble.

Company
empowered to
acquire land
in Port
Arthur.

No. 55.

3rd Session, 6th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Riverside Cemetery
Company of Port Arthur.

First Reading,	1886.
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(Private Bill.)

Mr. CONNOR.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the Richmond Hill Junction
Railway Company.

WHEREAS the persons hereinafter named and others Preamble.
have, by their petition, represented that it is desirable
that a railway should be constructed from the Village of
Richmond Hill, in the County of York, through the Town-
5 ship of Vaughan, to a point near Richmond Hill Station, on
the Northern Railway of Canada, and connecting with the said
Railroad, and have prayed for an Act accordingly; and where-
as it is expedient to grant the prayer of the said petition;
Therefore Her Majesty, by and with the advice and consent
10 of the Legislative Assembly of the Province of Ontario, enacts
as follows:

1. William H Pugsley, James Langstaff, Isaac Crosby, Wil- Incorporation.
liam Atkinson, James Newton, Andrew Newton, J. H. Sander-
son, W. A. Sanderson, P. T. Savage, William Powell, senior,
15 W. J. Wilson, Chas. Mason, F. McConaghy, T. H. Redditt, J. R.
Arnold, John Brown, William Powell, junior, Benjamin Bril-
linger, James M. Lawrence, A. L. Sperle, John Palmer, William
French, T. F. McMahon, B. Redditt, and Jeremiah Mortson,
with such other persons and corporations as shall, in pursuance
20 of this Act, become shareholders of the said Company hereby
incorporated, are hereby constituted and declared a body cor-
porate and politic, by the name of the "Richmond Hill Junc-
tion Railway Company," (hereinafter called the Company) and
the said several persons in this section named shall be pro-
25 visional directors of the said Company.

2. The said Company shall have full power and authority to Location of line.
construct a railway from the Village of Richmond Hill through
the Township above mentioned, to the said Richmond Hill
Station on the Northern Railroad of Canada.

30 3. The gauge of the said railway shall be four feet eight Gauge.
and one-half inches.

4. The several clauses, of *The Railway Act of Ontario* shall Railway Act incorporated.
be incorporated with, and be deemed to be part of this Act,
and shall apply to the Company and to the railway to be con-
35 structed by them, except so far as they may be inconsistent
with the enactments hereof, and the expression, "this Act," when
used, herein shall be understood to include the clauses of the
said Railway Act, so incorporated with this Act as aforesaid.

5. The capital stock of the Company shall be \$40,000 in Capital stock.
40 sixteen hundred shares of \$25 each, and shall be raised by the

persons and corporations who may become shareholders in the Company, and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passage of this Act, and for making the surveys, plans and estimates, connected with the works hereby authorised, and the remainder of such money shall be applied to the making, equipment, completion and working of the said Railway, and the purposes of this Act. 5

Provisional directors to hold office until other directors appointed.

6. The provisional directors of the said Company shall hold office as such, until other directors shall be appointed under the provisions of this Act by the shareholders, and it shall be lawful for the provisional directors for the time being of the Company, or a majority of them present at a meeting called for the purpose, to supply the place or places of any of their number from time to time dying, or declining, or becoming incapable to act as such provisional directors, and to associate with themselves at a meeting called for the purpose of deciding thereon, not more than five other persons who shall thereupon become, and be provisional directors of the Company, equally with themselves. 15 20

Powers of provisional directors.

7. The said board of provisional directors shall have full power to open up stock books and procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, and to call a general meeting of the shareholders for the election of directors as hereafter provided, and with all such powers as under *The Railway Act of Ontario* are vested in ordinary directors; and such provisional directors may appoint a committee from their number to open such stock books, giving at least four weeks' notice in the *Ontario Gazette*, and in one paper published in the Village of Richmond Hill, of the time and place of meeting, to open such books, and to receive such subscriptions, and the said committee, or a majority of them, may in their discretion exclude any person from subscribing. 25 30

First election of directors.

8. When, and so soon as shares to the amount of \$10,000 in the capital stock of the Company shall have been subscribed, and \$500 shall have been paid into one of the chartered banks of the Dominion, having an office in the Province of Ontario, (which shall on no account be withdrawn therefrom, unless for the service of the Company) the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in one paper published in the Village of Richmond Hill, and in the *Ontario Gazette*, of the time, place, and object of such meeting, and at such general meeting the shareholders present, either in person, or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by them, shall elect nine persons to be directors of the Company in manner and qualified as hereinafter directed, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting. 35 40 45 50

Allotment of stock.

9. It shall be lawful for the directors in procuring subscriptions for stock to allot such stock in such amounts, and subject to the payment of such calls of such amount, and at such 55

times and at such discount as they may think fit, or they may agree for the sale of such stock, or any part thereof, at such price as they may think fit, and may stipulate for the payment of the purchase money at the time of subscription, or by instalments, and the amount of every such instalment as and when payable, shall be deemed to be money due in respect of a call duly made in accordance with the provisions contained in section 27 of the *Railway Act of Ontario*, and non-payment of any such instalment shall carry with it all the rights, incidents and consequences, as mentioned in the said Act, as in the case of a call due by a shareholder on a share.

10. The said provisional directors, or the elected directors may pay, or agree to pay in paid up stock, or in the bonds of the said Company, such sums as they may deem expedient to engineers or contractors, or for right-of-way, or material, plant, or rolling stock, and also, when sanctioned by a vote of shareholders at any general meeting, for the services of promoters, or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons be provisional directors or not, and any agreement so made shall be binding on the Company.

Directors may make certain payments in paid up stock or in bonds.

11. Thereafter, the general annual meeting of the shareholders of the Company may be held in such place in the Village of Richmond Hill, or at such other place, and on such days, and such hours, as may be directed by the by-laws of the Company, and public notice thereof shall be given as provided in section 8 of this Act.

Annual meetings.

12. Special general meetings of the shareholders of the Company may be held at such place, in the Village of Richmond Hill, and at such time, and in such manner, and for such purposes as may be provided by the by-laws of the Company upon such notice as is provided in section 8 of this Act.

Special general meetings.

13. In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the Company, upon which all calls have been paid up.

Qualification of directors.

14. Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects.

Rights of aliens.

15. At all meetings of the board of directors, whether of provisional directors, or of those elected by the shareholders, five directors shall form a quorum for the transaction of business.

Quorum of directors.

16. It shall be lawful for the Company to enter into any agreement with the Northern Railway of Canada, if lawfully empowered to enter into such agreement, for leasing to them the said Railway, or any part thereof, and it shall further be lawful for the Company to enter into any agreement with the said Northern Railway of Canada, if so lawfully authorised,

Power to lease, etc., to Northern railway.

for the working of the said Railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting Companies may agree on, or for leasing and hiring from such other contracting company, any portion of their railway, or the use thereof, and generally to make any agreement, or agreements, with the said Company, if so lawfully authorised, touching the use by one or the other, or by both Companies of the Railway, or the rolling stock of either, or both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, and any such agreement shall be valid and binding, according to the terms and tenor thereof, and the Company leasing or entering into such agreement for using the said line, may, and is hereby authorised to work the said Railway in the same manner, and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers, and privileges by this Act conferred: provided that every such lease or agreement shall first be sanctioned at a general meeting called for the purpose of considering the same, according to the by-laws of the Company, and the provisions of this Act, by the vote of two-thirds in value of the shareholders present, in person, or by proxy, at such meeting; but this section shall not be construed as purporting or intending to confer rights or power upon any company which is not within the legislative authority of this Province.

Proviso.

Agreements for use of rolling stock, etc.

17. It shall be lawful for the directors of the Company to enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person, or persons, for the leasing, hiring, or use, of any locomotives, carriages, rolling stock, and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use, by one or more of such contracting parties, of the locomotives, carriages, rolling stock, and other movable property of the other, or others of them, on such terms as to compensation as may be agreed upon.

Negotiable instruments.

18. The Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made or endorsed by the president of the Company, and countersigned by the secretary of the said Company, and under the authority of a quorum of the directors, shall be binding on the Company, and every such promissory note or bill of exchange shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: provided, however, that nothing in this section shall be construed to authorize the Company to issue any note or bill of exchange payable to bearer, or intended to be circulated as money, or as the notes or bills of a bank.

Proviso.

19. Any municipality through which the said Railway may pass, is empowered to grant, by way of gift to the Company, any lands belonging to such municipality, which may be required for right of way, station grounds, or other purposes connected with the running, or traffic of the said Railway; and the Company shall have power to accept gifts of land from any government, or any person, or any body, politic or corporate, and shall have power to sell, or otherwise dispose of the same, for the benefit of the Company. Grants of land to company.
20. The said Company shall have power to purchase and hold such land as may be required at each extremity of the said Railway, for the purpose of building thereon storehouses, warehouses, engine-houses, and other erections, for the uses of the said Company; and the same, or portions thereof, in their discretion to sell or convey, and also to make use, for the purpose of the said Railway, of any stream or watercourse, at, or near which the said Railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse. Power to hold additional property at extremities of railway.
21. The said Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lieu for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons, for such charges. Power to collect back charges.
22. It shall, and may be lawful for any municipality through which the said Railway passes, and having jurisdiction in the premises, to pass a by-law, or by-laws empowering the Company to make their road, and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession, or under the control of any joint stock company and if such highway be either in the possession of, or under the control of any joint stock company, then also with the consent of such company, and it shall, and may be lawful for the Company to enter into, and perform any such agreement as they may from time to time deem expedient with any municipality, corporation, or person, for the construction, or for the maintenance and repair of gravel, or other public roads leading to said Railway. Right to use highways.
23. For the purpose of constructing, working, and protecting the telegraph lines to be constructed by the Company on their line of Railway, the powers conferred upon telegraph companies by *The Act Respecting Electric Telegraph Companies* are hereby conferred upon the Company, and the other provisions of the said Act, for the working and protection of telegraph lines, shall apply to any such telegraph lines constructed by the Company. Telegraph lines.
24. It shall be lawful for the council of any municipality in which any part of the Railway is situated, by by-law specially passed for that purpose, to exempt the Company and its property within such municipality, either wholly or in Exemption from taxation.

part from municipal assessment and taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all, or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed, unless in conformity with a condition contained therein. 5

Power to acquire more land than required for railway.

25. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel-pits, or for right of way for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the Railway is to run, the Company can obtain the same at a more reasonable price or to greater advantage than by purchasing the required parts only; the Company may purchase, use, hold and enjoy such lands and also the right of way thereto if the same be separated from their Railway, and sell and convey the same, or parts thereof, from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act* shall not apply to this section. 20

Power to acquire quarries and gravel pits, etc.

26. When stone, gravel, earth or sand is or are required for the construction or maintenance of said Railway, or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the Company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required. 30 35 40

Sidings to gravel pits etc.

27.—(1) When said gravel, stone, or other material, shall be taken under the preceding section of this Act at a distance from the line of the Railway, the Company may lay down the necessary sidings and tracks over any lands which may intervene between the Railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the Railway to the land on which such materials are situated, and such right may be so acquired for a term of years or permanently, as the Company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the Railway is constructed for the purpose of repairing and maintaining the said Railway. 45 50 55

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

28. The directors of the Company, after the sanction of the
 5 shareholders shall have been first obtained at any annual
 general meeting, or any special general meeting, to be called
 from time to time for such purpose, shall have power to issue
 bonds made and signed by the president or vice-president of
 the Company, and countersigned by the secretary, and under
 10 the Seal of the said Company, for the purpose of raising money
 for prosecuting the said undertaking, and such bonds shall,
 without registration or formal conveyance, be taken and be
 considered to be the first and preferential claim and charge
 upon the undertaking and real property of the Company,
 15 including its rolling stock and equipments then existing and at
 any time thereafter acquired, and each holder of the said bonds
 shall be deemed a mortgagee and incumbrancer *pro rata* with
 all the other holders thereof upon the undertaking and the
 property of the Company as aforesaid; and the Company may
 20 by by-law before issue fix and define the amount or denomina-
 tion of such bonds, the time or times and the place or places
 for payment of the principal moneys thereof and the interest
 thereon and other particulars in reference thereto: Provided, Proviso.
 however, that the whole amount of such issue of bonds shall
 25 not exceed in all the sum of _____, and that the rate of
 interest thereon shall not exceed _____ per centum per annum;
 and provided also further that in the event at any time of the Proviso.
 interest of the said bonds remaining unpaid and owing, then
 at the next ensuing general meeting, so long as such interest or
 30 any part thereof shall remain unpaid and in arrear, all holders of
 bonds shall have and possess the same rights and privileges
 and qualifications for directors, and for voting, and for all
 purposes as are attached to shareholders: Provided that Proviso.
 the holder of any bond or bonds shall have, at least three days
 35 before any such meeting, produced the bond or bonds held by
 him to the secretary for registration in his name, or that in the
 case of the holder of any bond or bonds residing in Great
 Britain and Ireland, and having such bond or bonds in his
 custody or under his control, then such holder shall have, at
 40 least three days before any such meeting, produced to the
 secretary a certificate under the hand and official Seal of a
 notary public, stating the numbers of such bond or bonds, and
 that they had been produced before him by such holder, and
 in either of such cases it shall be the duty of the secretary to
 45 register the name of such holder, and the numbers of the bonds
 held by him, but the failure or neglect of the secretary in that
 respect shall not affect the rights, privileges and qualifications
 of such holder, or holders; any such bondholder shall be
 entitled to votes for every bond of the amount
 50 held by him, or in that proportion.

29. The Company hereby incorporated may, from time to Power to
 time, for advances of money to be made thereon, mortgage or mortgage
 pledge any bonds, debentures or mortgage securities which, bonds.
 55 under the powers of this Act, can be issued for the construction
 of the Railway or otherwise.

30. The Railway shall be commenced within two years, and Time for con-
 completed within seven years after the passing of this Act. struction.

Form of conveyance.

31. Conveyances of land to the Company for the purposes of and powers given by this Act, made in the form set out in the Schedule A, hereunder written, or the like effect, shall be sufficient conveyances to the Company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively, of all persons executing the same, and such conveyances shall be registered in the same manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the duplicate thereof. 5 10

Power to erect snow fences.

32. The Company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line of said Railway, and to erect and maintain snow fences thereon, subject to the payment of such damages, if any, as may be hereafter established, in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed on or before the first day of April following. 15 20

Provido.

SCHEDULE A.

(Section 31.)

Know all men, by these presents, that I (or we) [*insert the name or names of the vendor*] in consideration of

dollars, paid to me (or us) by the Richmond Hill Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said Company, and I (or we) [*insert the name of any other party or parties*] in consideration of

dollars, paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said Company for the purposes of its Railway, to have and to hold with the appurtenances unto the said Richmond Hill Junction Railway Company, its successors and assigns [*here insert any other clauses, conditions and covenants required*] and I (or we) wife (or wives) of the said

, do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and Seal (or hands and Seals) this day of

, one thousand eight hundred and .

Signed, sealed and delivered in }
the presence of }

[L.S.]

No. 56.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to Incorporate the Richmond Hill
Junction Railway Company.

First Reading, , 1886.

(Private Bill)

Mr. BADGEROW.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the Richmond Hill Junction
Railway Company.

WHEREAS the persons hereinafter named and others ^{Preamble.}
have, by their petition, represented that it is desirable
that a railway should be constructed from the Village of
5 Richmond Hill, in the County of York, through the Town-
ship of Vaughan, to a point near Richmond Hill Station, on
the Northern Railway of Canada, and connecting with the said
Railroad, and have prayed for an Act accordingly; and where-
as it is expedient to grant the prayer of the said petition;
10 Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows :—


1. William H Pugsley, James Langstaff, Isaac Crosby, Wil- ^{Incorpora-}
liam Atkinson, James Newton, Andrew Newton, J. H. Sander-
15 son, W. A. Sanderson, P. G. Savage, William Powell, senior,
W. J. Wilson, Chas. Mason, F. McConaghy, T. H. Redditt, J. R.
Arnold, John Brown, William Powell, junior, Benjamin Bril-
linger, James M. Lawrence, A. L. *Skeele*, John Palmer, William
Trench, T. F. McMahon, B. Redditt, and Jeremiah Mortson,
20 with such other persons and corporations as shall, in pursuance
of this Act, become shareholders of the said Company hereby
incorporated, are hereby constituted and declared a body cor-
porate and politic, by the name of "The Richmond Hill Junc-
tion Railway Company," (hereinafter called the Company.)

25 2. The said Company shall have full power and authority to ^{Location of}
construct a railway from the Village of Richmond Hill through ^{line.}
the Township above mentioned, to the said Richmond Hill
Station on the Northern Railroad of Canada.



3. The gauge of the said railway shall be four feet eight ^{Gauge.}
30 and one-half inches.

4. The several clauses, of *The Railway Act of Ontario* shall ^{Railway Act}
be incorporated with, and be deemed to be part of this Act, ^{incorporated.}
and shall apply to the Company and to the railway to be con-
structed by them, except so far as they may be inconsistent
35 with the enactments hereof, and the expression, "this Act," when
used, herein shall be understood to include the clauses of the
said Railway Act, so incorporated with this Act as aforesaid.


5. ~~As~~ The persons named in section 1 of this Act, with ^{Provisional}
power to add to their number, shall be and are hereby consti- ^{directors.}
40 tuted a board of provisional directors of the said company, and

shall hold office as such until the first election of directors under this Act. 

Powers of
provisional
directors.

6.  The said board of provisional directors shall have full power forthwith to open stock books, and procure subscriptions of stock for the undertaking, and to allot the stock, and to receive payments on account of stock subscribed, and to make calls upon subscribers in respect to their stock, and to sue for and recover the same; and to cause plans and surveys to be made, and to receive for the company any grant, loan, bonus or gift made to it, or in aid of the undertaking, and to enter into any agreement respecting the conditions or disposition of any gift or bonus in aid of the railway, and with all such other powers as under *The Railway Act of Ontario*, are vested in ordinary directors; the said directors, or a majority of them, or the board of directors to be elected as hereinafter mentioned may, in their discretion, exclude any one from subscribing for stock who, in their judgment, would hinder, delay or prevent the company from proceeding with and completing their undertaking under the provisions of this Act; and if at any time a portion or more than the whole stock shall have been subscribed, the said provisional directors or board of directors, shall allocate and apportion it amongst the subscribers as they shall deem most advantageous and conducive to the furtherance of the undertaking; and in such allocation, the said directors may, in their discretion, exclude any one or more of the said subscribers, if, in their judgment, such exclusion will best secure the building of the said railway; and all meetings of the provisional board of directors shall be held at the said Village of Richmond Hill, or at such other place as may best suit the interest of the company. 

Capital stock.

7. The capital stock of the Company shall be \$40,000,  with power to increase the same, in the manner provided by *The Railway Act of Ontario*, to be divided into sixteen hundred shares of \$25 each, and shall be raised by the persons and corporations who may become shareholders in the Company, and the money so raised shall be applied in the first place to the payment of all expenses for procuring the passage of this Act, and for making the surveys, plans and estimates, connected with the works hereby authorised, and the remainder of such money shall be applied to the making, equipment, completion and working of the said Railway, and the other purposes of this Act.

First election
of directors.

8. When, and so soon as shares to the amount of \$10,000 in the capital stock of the Company shall have been subscribed, and *ten per centum paid thereon* into one of the chartered banks of the Dominion, having an office in the Province of Ontario, (which shall on no account be withdrawn therefrom, unless for the service of the Company) the provisional directors, or a majority of them present at a meeting duly called for the purpose, shall call a *general* meeting of the subscribers for the purpose of electing directors, giving at least four weeks' notice in one paper published in the Village of Richmond Hill, and in the *Ontario Gazette*, of the time, place, and object of such meeting, and at such general meeting the shareholders present, either in person, or by proxy, and who shall at the opening of such meeting have paid ten per centum on the stock subscribed by

them, shall elect nine persons to be directors of the Company in manner and qualified as hereinafter directed, which said directors shall constitute a board of directors, and shall hold office until the next general annual meeting.

- 5 **9.** The said provisional directors, or the elected directors may pay, or agree to pay in paid up stock, or in the bonds of the said Company, such sums as they may deem expedient to engineers or contractors, or for right of way, or material, plant, or rolling stock, and also, when sanctioned by a
 10 vote of shareholders at any general meeting, for the services of promoters, or other persons who may be employed by the directors for the purpose of assisting the directors in the furtherance of the undertaking, or purchase of right of way, material, plant, or rolling stock, whether such promoters or other persons
 15 be provisional directors or not, and any agreement so made shall be binding on the Company.

Directors may make certain payments in paid up stock or in bonds.

- 10.** Thereafter, the general annual meeting of the shareholders of the Company may be held in such place in the Village of Richmond Hill, or at such other place, and on such
 20 days, and at such hours, as may be directed by the by-laws of the Company, and public notice thereof shall be given at least four weeks previously in the *Ontario Gazette*, and once a week in one newspaper published in the Village of Richmond Hill, during the four weeks preceding the week in which such
 25 meeting is to be held.

Annual meetings.

- 11.** Special general meetings of the shareholders of the Company may be held at such place, in the Village of Richmond Hill, and at such time, and in such manner, and for such purposes as may be provided by the by-laws of the Company upon such notice as is provided in section 10 of this Act.

Special general meetings.

- 12.** In the election of directors under this Act, no person shall be elected a director unless he shall be the holder and owner of at least ten shares of the stock of the Company, upon which all calls have been paid up.

Qualification of directors.

- 35 **13** Aliens, as well as British subjects, and whether resident in this Province or elsewhere, may be shareholders in the Company, and all such shareholders shall be entitled to vote on their shares equally with British subjects.

Rights of aliens.

- 14.** At all meetings of the board of directors, whether of provisional directors, or of those elected by the shareholders, five directors shall form a quorum for the transaction of business.

Quorum of directors.

- 15.** The directors may, from time to time, make calls as they shall think fit, provided that no calls shall be made at
 45 any one time of more than ten per centum of the amount subscribed by each shareholder, and thirty days' notice shall be given of each call as provided in section 10 of this Act.

Calls.

- 16.** It shall be lawful for the Company to enter into any agreement with the Northern Railway of Canada, if lawfully
 50 empowered to enter into such agreement, for leasing to them the said Railway, or any part thereof, and it shall further be

Power to lease, etc., to Northern railway.

lawful for the Company to enter into any agreement with the said Northern Railway of Canada, if so lawfully authorised, for the working of the said Railway, or for running powers over the same, on such terms and conditions as the directors of the several contracting Companies may agree on, or for leasing and hiring from such other contracting company, any portion of their railway, or the use thereof, and generally to make any agreement, or agreements, with the said Company, if so lawfully authorised, touching the use by one or the other, or by both Companies of the Railway, or the rolling stock of either, or both, or any part thereof, or touching any service to be rendered by the one Company to the other, and the compensation therefor, and any such agreement shall be valid and binding, according to the terms and tenor thereof, and the Company leasing or entering into such agreement for using the said line, may, and is hereby authorised to work the said Railway in the same manner, and in all respects as if incorporated with its own line, and to exercise, so far as the same are applicable, all the rights, powers, and privileges by this Act conferred: provided that every such lease or agreement shall first be sanctioned at a *special* general meeting called for the purpose of considering the same, according to the by-laws of the Company, and the provisions of this Act, by the vote of two-thirds in value of the shareholders present, in person, or by proxy, at such meeting; but this section shall not be construed as purporting or intending to confer rights or power upon any company which is not within the legislative authority of this Province.

Proviso

Agreements
for use of rolling
stock, etc.

17. It shall be lawful for the directors of the Company to enter into agreement with any company or companies, if lawfully authorized to enter into such an agreement, person, or persons, for the leasing, hiring, or use, of any locomotives, carriages, rolling stock, and other movable property from such companies or persons, for such time or times, and on such terms as may be agreed on, and also to enter into agreement with any railway company or companies, if so lawfully authorized, for the use, by one or more of such contracting companies of the locomotives, carriages, rolling stock, and other movable property of the other, or others of them, on such terms as to compensation *and otherwise*, as may be agreed upon.

Negotiable
instruments.

18. The Company shall have power and authority to become parties to promissory notes and bills of exchange for sums not less than \$100, and any such promissory note or bill of exchange made or endorsed by the president or *vice-president* of the Company, and countersigned by the secretary of the said Company, and under the authority of a quorum of the directors, shall be binding on the Company, and every such promissory note or bill of exchange *so made* shall be presumed to have been made with proper authority until the contrary be shown; and in no case shall it be necessary to have the seal of the Company affixed to such promissory note or bill of exchange, nor shall the persons signing the same be individually responsible for the same, unless the said promissory notes or bills of exchange have been issued without the sanction and authority of the directors, as herein provided and enacted: provided, however, that nothing in this section shall be construed to authorize the Company to issue any note or bill of exchange payable to

Proviso.

bearer, or intended to be circulated as money, or as the notes or bills of a bank.

19. Any municipality through which the said Railway may pass, is empowered to grant, by way of gift to the Company, any lands belonging to such municipality, *or over which it may have control*, which may be required for right of way, station grounds, or other purposes connected with the running, or traffic of the said Railway; and the Company shall have power to accept gifts of land from any government, or any person, or any body politic or corporate, and shall have power to sell, or otherwise dispose of the same, for the benefit of the Company.

Grants of land to company.

20. The Company shall have power to purchase and hold such land as may be required at each extremity of the said Railway, for the purpose of building thereon storehouses, warehouses, engine-houses, and other erections, for the uses of the Company; and the same, or portions thereof, in their discretion to sell or convey, and also to make use, for the purpose of the said Railway, of any stream or watercourse, at, or near which the said Railway passes, doing, however, no unnecessary damage thereto, and not impairing the usefulness of such stream or watercourse.

Power to hold additional property at extremities of railway.

21. The Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession, and on payment of such back charges, and without any formal transfer, shall have the same lien for the amount thereof upon such goods or commodities as the persons to whom such charges were originally due had upon such goods or commodities while in their possession, and shall be subrogated by such payment in all the rights and remedies of such persons, for such charges.

Power to collect back charges.

22. It shall, and may be lawful for any municipality through which the said Railway passes, and having jurisdiction in the premises, to pass a by-law, or by-laws empowering the Company to make their road, and lay their rails along any of the highways within such municipality, and whether or not the same be in the possession, or under the control of any joint stock company and if such highway be either in the possession of, or under the control of any joint stock company, then also with the consent of such company, and it shall, and may be lawful for the Company to enter into, and perform any such agreement as they may from time to time deem expedient with any municipality, corporation, or person, for the construction, or for the maintenance and repair of gravel, or other public roads leading to said Railway.

Right to use highways.

23. For the purpose of constructing, working, and protecting the telegraph lines to be constructed by the Company on their line of Railway, the powers conferred upon telegraph companies by *The Act Respecting Electric Telegraph Companies* are hereby conferred upon the Company, and the other provisions of the said Act, for the working and protection of telegraph lines, shall apply to any such telegraph lines constructed by the Company.

Telegraph lines.

Exemption
from taxation.

24. It shall be lawful for the council of any municipality in which any part of the Railway is situated, by by-law specially passed for that purpose, to exempt the Company and its property within such municipality, either wholly or in part from municipal assessment and taxation, or to agree to a certain sum per annum, or otherwise in gross, by way of commutation or composition for payment, or in lieu of all, or any municipal rates or assessments to be imposed by such municipal corporation, and for such term of years as such municipal corporation may deem expedient, not exceeding twenty-one years, and any such by-law shall not be repealed, unless in conformity with a condition contained therein.

Power to
acquire more
land than
required for
railway.

25. Whenever it shall be necessary for the purpose of procuring sufficient lands for stations or gravel-pits, or for right of way for constructing, maintaining and using said railway, and in case by purchasing the whole of any lot or parcel of land over which the Railway is to run, the Company can obtain the same at a more reasonable price or to greater advantage than by purchasing the required parts only; the Company may purchase, use, hold and enjoy such lands and also the right of way thereto if the same be separated from their Railway, and sell and convey the same, or parts thereof, from time to time as they may deem expedient, but the compulsory clauses of *The Railway Act* shall not apply to this section.

Power to
acquire
quarries and
gravel pits, etc.



26. When stone, gravel, earth or sand is or are required for the construction or maintenance of said Railway, or any part thereof, the Company may, in case they cannot agree with the owner of the lands on which the same is situate for the purchase thereof, cause a provincial land surveyor to make a map and description of the property so required, and they shall serve a copy thereof with their notice of arbitration as in case of acquiring the roadway, and the notice of the arbitration, the award and the tender of the compensation shall have the same effect as in the case of arbitration for the roadway, and all the provisions of *The Railway Act of Ontario*, and of this Act, as to the service of the said notice, arbitration, compensation, deeds, payment of money into court, the right to sell, the right to convey, and the parties from whom lands may be taken, or who may sell, shall apply to the subject-matter of this section as to the obtaining materials as aforesaid, and such proceedings may be had by the Company, either for the right to the fee simple in the land from which said material shall be taken, or for the right to take material for any time they shall think necessary, the notice of arbitration in case arbitration is resorted to, to state the interest required.



Sidings to
gravel pits
etc.

27.—(1) When said gravel, stone, or other material, shall be taken under the preceding section of this Act at a distance from the line of the Railway, the Company may lay down the necessary sidings and tracks over any lands which may intervene between the Railway and the lands on which said material shall be found, whatever the distance may be, and all the provisions of *The Railway Act of Ontario*, and of this Act, except such as relate to filing plans and publication of notice, shall apply and may be used and exercised to obtain the right of way from the Railway to the land on which such materials are situated, and such right may be so acquired for a term of

years or permanently, as the Company may think proper, and the powers in this and the preceding section may at all times be exercised and used in all respects after the Railway is constructed for the purpose of repairing and maintaining the 5 said Railway.

(2) When estimating the damages for the taking of gravel, stone, earth or sand, sub-section 8 of section 20 of *The Railway Act of Ontario* shall not apply.

 **28.** The directors of the Company, after the sanction of Issue of bonds.
 10 the shareholders shall have first been obtained at any special general meeting to be called from time to time for such purpose, shall have power to issue bonds made and signed by the president or vice-president of the Company, and countersigned by the secretary, and under the seal of the Company, for the purpose of raising money for prosecuting the said undertaking; Proviso.
 15 and such bonds shall, without registration or formal conveyance, be taken and considered to be the first and preferential claims and charges upon the undertaking and real property of the Company, including its rolling stock and equipments then existing and at any time thereafter acquired, and each holder of the said bonds shall be deemed to be a mortgagee and incumbrancer, *pro rata*, with all the other holders thereof upon the undertaking and property of the Company as aforesaid; provided, however, that the whole amount of such issue of bonds Proviso.
 25 shall not exceed in all the sum of \$10,000 per mile; and provided that in the event at any time of the interest upon the said bonds remaining unpaid and owing, then, at the next ensuing general annual meeting of the Company, all holders of bonds shall have and possess the same rights, privileges and Proviso.
 30 qualifications for directors and for voting, as are attached to shareholders: provided further, that the bonds and any transfers thereof shall have been first registered in the same manner as is provided for the registration of shares, and it shall be the duty of the secretary of the Company to register the same on
 35 being required to do so by any holder thereof. 

 **29.** All such bonds, debentures and other securities and coupons and interest warrants thereon respectively, may be made payable to bearer and transferable by delivery, and any holder of any such securities so made payable to bearer, may Form of bonds.
 40 sue at law thereon in his own name. 

30. The Company hereby incorporated may, from time to time, for advances of money to be made thereon, mortgage or pledge any bonds, debentures or mortgage securities which, under the powers of this Act, can be issued for the construction Power to mortgage bonds.
 45 of the Railway or otherwise.

31. The Railway shall be commenced within two years, and completed within *five* years after the passing of this Act. Time for construction.

32. Conveyances of land to the Company for the purposes of and powers given by this Act, made in the form set out in Form of conveyance.
 50 the Schedule A, hereunder written, or the like effect, shall be sufficient conveyances to the Company, their successors and assigns of the estate or interest, and sufficient bar of dower respectively, of all persons executing the same, and such

conveyances shall be registered in the same manner and upon such proof of execution as is required under the Registry Laws of Ontario, and no registrar shall be entitled to demand more than seventy-five cents for registering the same, including all entries and certificates thereof, and certificates endorsed on the 5 duplicate thereof.

Power to erect
snow fences.

Proviso.

33. The Company shall have the right, on and after the first day of November in each year, to enter into and upon any lands of Her Majesty, or into or upon any lands of any corporation or person whatsoever lying along the route or line 10 of said Railway, and to erect and maintain snow fences thereon, subject to the payment of such damages, if any, as may be thereafter established, in the manner provided by law in respect of such railway, to have been actually suffered: Provided always that any such snow fences so erected shall be removed 15 on or before the first day of April *next* following.

SCHEDULE A.

(Section 32.)

Know all men, by these presents, that I (or we) [*insert the name or names of the vendor*] in consideration of

dollars, paid to me (or us) by the Richmond Hill Junction Railway Company, the receipt whereof is hereby acknowledged, do grant and convey unto the said Company, and I (or we) [*insert the name of any other party or parties*] in consideration of

dollars, paid to me (or us) by the said Company, the receipt whereof is hereby acknowledged, do grant and release all that certain parcel (or those certain parcels, *as the case may be*) of land (*describe the land*), the same having been selected and laid out by the said Company for the purposes of *their* Railway, to have and to hold with the appurtenances unto the said Richmond Hill Junction Railway Company, its successors and assigns [*here insert any other clauses, conditions and covenants required*] and I (or we) wife (or wives) of the said , do hereby bar my (or our) dower in the said lands. As witness my (or our) hand and Seal (or hands and Seals) this

, 18

Signed, sealed and delivered in }
the presence of }

[L.S.]

No. 56.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to Incorporate the Richmond Hill
Junction Railway Company.

*(Reprinted as amended by Railway Com-
mittee.)*

First Reading, 22nd February, 1886.

(Private Bill.)

Mr. BADGEROW.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Debenture Debt of the Town of Sarnia.

WHEREAS the corporation of the Town of Sarnia has an Preamble.

outstanding debenture debt incurred for the construction of water works, bonuses to railways and manufacturers, and for the construction of lasting improvements in the Town of Sarnia of more than \$168,000, or thereabouts, portions whereof fall due during the year 1886 and the eleven following years; and whereas an aggregate rate of two cents in the dollar on the whole of the ratable property in said town will not, in any of such years, be sufficient to meet the current annual expenses of said town and such portion of the said debenture debt and interest thereon as will become due in such year; and whereas the amount of such debt and expenses which said aggregate rate will not be sufficient to meet, as aforesaid, will be (as nearly as may be) about \$10,000 for each of the years 1886 to 1890, both inclusive, and about \$5,000 for each of the years 1891 to 1897, both inclusive; and whereas the said corporation has prayed that an Act be passed to empower the said corporation in each of the said years to borrow, on new debentures, such amount as may be reasonable to meet a portion of the said outstanding debentures maturing and to become due as aforesaid in the said years; and whereas the said corporation have by their petition represented that it has become necessary for sanitary and other reasons that the main sewer in said town, now partially constructed, should be completed, and that in order to complete the same it will be necessary to raise money by way of loan upon the credit of the debentures of the Town of Sarnia; and the said corporation prays that any debentures issued for such last-mentioned purpose, may be made payable within thirty years from the coming into force of the by-law authorizing the issuing of the same, instead of twenty years, as required by *The Consolidated Municipal Act, 1883*; and whereas it is expedient to grant the prayer of the said petition;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Subject to the next section of this Act, the corporation of the Town of Sarnia may from time to time, during the years from 1886 to 1897, pass by-laws authorizing the issue of new debentures of the said town for an amount not exceeding in any one of the years 1886 to 1890, both years inclusive, the sum of \$10,000, and for an amount not exceeding in any one of the years 1891 to 1897, both years inclusive, the sum of \$5,000, for the purpose of retiring or removing a portion of the debentures and interest

Power to issue debentures, to retire outstanding debentures.

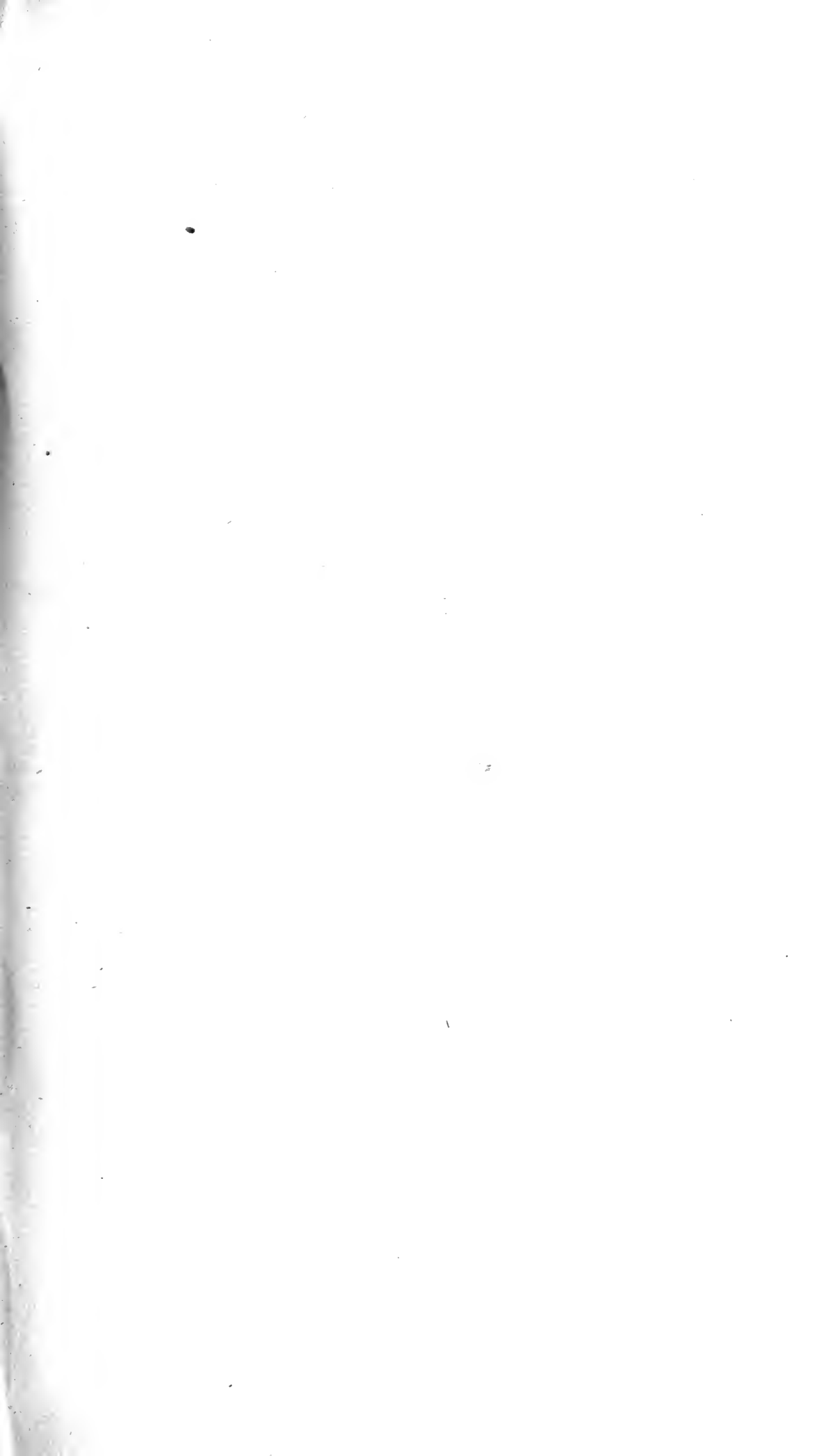
now outstanding against the said town, and falling due within the year in which such new debentures may be issued, as aforesaid, and such new debentures to be issued, as aforesaid, under said by-laws, may be in such sums and to such amounts, either in Canadian or sterling currency, as the said corporation may deem best: provided always that such by-laws shall be in conformity and shall comply with the provisions of *The Consolidated Municipal Act, 1883*, and of the general municipal law from time to time in force in this Province, except that it shall not be necessary to obtain the assent of the electors of the said town to the passing of any such by-law, as aforesaid, nor of the Lieutenant-Governor in Council, either under *The Consolidated Municipal Act, 1883*, or any other general Act now or hereafter to be in force in this Province, and provided further that, subject as aforesaid, the said new debentures so to be issued as aforesaid under said by-laws, and all monies arising therefrom shall, to the full extent thereof, be applied only to retire and redeem the said outstanding debentures and interest so maturing and becoming due as aforesaid in the said years.

Outstanding
school debentures.

2. Notwithstanding anything in this Act contained, all the now outstanding debentures which are public school debentures, or which have been issued for public school purposes, or which are debentures for or towards the payment of which the supporters of separate schools, or their property, in the Town of Sarnia are not now liable or compellable to be rated or assessed, or outstanding debentures for local improvements, shall be provided for, retired and paid in all respects, as if this Act had not been passed.

Debt to be
payable in
thirty years.

3. Any by-law, or by-laws, which may hereafter be passed by the said corporation to raise funds for the extension and completion of the sewer in the preamble mentioned, may provide that the debt created thereby shall be payable in thirty years at furthest from the date on which any such by-law takes effect, instead of twenty years: provided always that any such by-law or by-laws shall be in conformity and comply with the provisions of *The Consolidated Municipal Act, 1883*, and of the general municipal law from time to time in force in this Province.



No. 57.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Debenture Debt of
the Town of Sarnia.

First Reading,	1886.
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(Private Bill.)

Mr. PARDEE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Sarnia and Florence Road
Company.

WHEREAS the Sarnia and Florence Road Company has by Preamble.
its petition set forth that the company was formed on
the 6th December, 1862, under the provisions of chapter 49 of
the Consolidated Statutes of the late Province of Upper Canada,
5 entitled *An Act Respecting Joint Stock Companies for the con-*
struction of Roads and other works in Upper Canada, for the
purpose of constructing a road from the Town of Sarnia into
the Townships of Sarnia, Moore and Enniskillen, with a sub-
scribed and fully paid up capital of \$35,000, divided into
10 seventeen hundred and fifty shares of \$20 each; that the said
road was constructed at an expenditure of \$40,286; that the
Municipality of the Town of Sarnia is the holder of one thousand
shares of said capital stock representing \$20,000, or nearly
six-tenths of the entire capital stock of said company; that
15 negotiations are pending whereby three-tenths of the remainder
of said capital stock will be acquired by or on behalf of the
said Town of Sarnia; that the said company has no debenture
or other indebtedness; that in order to increase the travel upon
the company's road and the tolls and earnings thereof, and to
20 save the company the expense of constructing branch or feed-
ing roads intersecting or connecting with the company's road,
the company has from time to time made grants towards the
improvement and construction of such branch and feeding
roads; that the said road was constructed to promote the
25 trade of the said Town of Sarnia, and to facilitate the means
of ingress and egress to and from the said town into and
from the surrounding country through which said road passes;
and whereas the said company has by its said petition also set
forth that in order to still further promote the trade of said
30 Town of Sarnia and to still further facilitate the means of
ingress and egress to and from the said town into and
from the Townships of Sarnia and Plympton in the County of
Lambton, it is desired to construct a plank, gravel or macadam-
ized toll road at or from a point near the northerly part of the said
35 Town of Sarnia, leading north-easterly into the said Townships
of Sarnia and Plympton; that the estimated cost of such pro-
posed road will not exceed the sum of \$20,000; that by reason
of the location of the company's present road, an extension
thereof is not practicable except at great cost; and whereas
40 the said company has petitioned that an Act may be passed
authorizing the company to issue the debentures of the com-
pany to defray the cost of, and incidental to the construction of
such lastly-mentioned road, and for authority to construct the
same, and to have it declared that the said company has here-
45 tofore had and shall hereafter have power to grant aid to

branch or feeding roads intersecting or connecting with the company's present road, or the road power to construct which is asked for ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty by and with the advice and consent 5
of the Legislative Assembly of the Province of Ontario, enacts
as follows :

Issue of
debentures.

1. The directors of the said the Sarnia and Florence Road Company, after the sanction of the shareholders thereof shall have been first obtained in the manner provided by section 5 10
of this Act, shall have power to issue debentures upon the credit of the company, signed by the president and countersigned by the treasurer of the said company, to an amount not exceeding in the whole the sum of \$20,000, bearing interest at such rates, with coupons for such interest attached thereto, 15
and payable at such times as the directors of the company may think proper, which debentures may be sold on such terms as the said directors think fit.

Application of
proceeds of
debentures.

2. The moneys derived from the sale of said debentures shall be used exclusively for the building and construction of 20
the road in section 4 of this Act mentioned, and for no other purpose.

Debentures to
be a first
charge on
property.

3. Such debentures shall be taken and considered and shall be first and preferential claims and charges upon the entire property of the company, including the road hereby authorized 25
to be constructed, and each holder of said debentures shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the property of the company, as aforesaid ; all such debentures and coupons may be made payable to bearer and transferable by delivery, and any holder 30
of any such debenture so made payable to bearer may sue at law thereon in his own name.

Construction
of branch road
authorized.

4. The directors of the said company, after the sanction of the shareholders thereof shall have been first obtained in the manner provided in the next section, shall have power to con- 35
struct a plank, gravel or macadamized toll road leading north-easterly into the townships of Sarnia and Plympton, in the County of Lambton, from a point at or near the northerly part of the said Town of Sarnia.

Sanction of
shareholders
to be obtained
for issue of
debentures
and construc-
tion of branch
road.

5. Provided always, and it is hereby declared that the 40
directors of said company shall not issue the said debentures, nor construct the said road, unless and until a by-law of the said company shall be duly passed and sanctioned at a special meeting of the shareholders of the company convened for that purpose, authorizing the issue of said debentures and the con- 45
struction of said road ; provided further, that said by-law shall not have any force or effect unless at least nine-tenths of the capital stock of said company shall vote in favour of the passing thereof.

R. S. O. c. 152,
to apply to
branch road.

6. The said road shall be constructed under the provisions 50
of *The General Road Companies' Act*, and all the powers, rights and privileges, now vested in or belonging to said company under the said Act or any other Act shall, so far as the purchasing

and acquiring of lands for the right of way for said road, and otherwise apply and belong to said company in the building, construction and operating said road, as fully to all intents and purposes as if the said road hereby authorized to be constructed
 5 formed part of or were an extension of the Road for the construction of which said company was originally formed.

7. The liabilities of the said company shall not in any way be lessened or changed by the passing of this Act, but shall continue the same as if this Act had not been passed. Liability of company not affected.

10 8. The said company has heretofore had, and shall hereafter have, power and authority to grant aid to such branch or feeding roads as now, or shall hereafter, intersect or connect with the company's present road, or the road which this Act authorizes to be constructed. Company empowered to aid to branch roads.

No. 58.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting the Sarnia and Florence
Road Company.

First Reading,	1886.
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(Private Bill.)

Mr. PARDEE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Sarnia and Florence Road
Company.

WHEREAS the Sarnia and Florence Road Company has by Preamble.
its petition set forth that the company was formed on
the 6th December, 1862, under the provisions of chapter 49 of
the Consolidated Statutes of the late Province of Upper Canada,
5 entitled *An Act Respecting Joint Stock Companies for the con-*
struction of Roads and other works in Upper Canada, for the
purpose of constructing a road from the Town of Sarnia into
the Townships of Sarnia, Moore and Enniskillen, with a sub-
scribed capital of \$35,000, divided into seventeen hundred and
10 fifty shares of \$20 each, of which only sixteen hundred
and thirty-six shares amounting to the sum of \$32,720 were
paid up and issued; that the said road was constructed
at an expenditure of \$40,286; that the Municipality of
the Town of Sarnia is the holder of one thousand shares
15 of said capital stock representing \$20,000, or nearly six-
tenths of the entire capital stock of said company; that
negotiations are pending whereby three-tenths of the remainder
of said capital stock will be acquired by or on behalf of the
said Town of Sarnia; that the said company has no debenture
20 or other indebtedness; that in order to increase the travel upon
the company's road and the tolls and earnings thereof, and to
save the company the expense of constructing branch or feed-
ing roads intersecting or connecting with the company's road,
the company has from time to time made grants towards the
25 improvement and construction of such branch and feeding
roads; that the said road was constructed to promote the
trade of the said Town of Sarnia, and to facilitate the means
of ingress and egress to and from the said town into and
from the surrounding country through which said road passes;
30 and whereas the said company has by its said petition also set
forth that in order to still further promote the trade of said
Town of Sarnia and to still further facilitate the means of
ingress and egress to and from the said town into and
from the Townships of Sarnia and Plympton in the County of
35 Lambton, it is desired to construct a plank, gravel or macadam-
ized toll road at or from a point near the northerly part of the said
Town of Sarnia, leading north-easterly into the said Townships
of Sarnia and Plympton; that the estimated cost of such pro-
posed road will not exceed the sum of \$20,000; that by reason
40 of the location of the company's present road, an extension
thereof is not practicable except at great cost; and whereas
the said company has petitioned that an Act may be passed
authorizing the company to issue the debentures of the com-
pany to defray the cost of, and incidental to the construction of
45 such proposed road, and for authority to construct the same,

and to have it declared that the said company shall hereafter have power to grant aid to branch or feeding roads intersecting or connecting with the company's present road, or the road power to construct which is asked for; and whereas it is expedient to grant the prayer of the said petition; 5

Therefore Her Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Issue of debentures.

1. The directors of the said the Sarnia and Florence Road Company, after the sanction of the shareholders thereof shall 10 have been first obtained in the manner provided by section 5 of this Act, shall have power to issue debentures upon the credit of the company, signed by the president and countersigned by the treasurer of the said company, to an amount not exceeding in the whole the sum of \$20,000, bearing interest 15 at such rates, with coupons for such interest attached thereto, and payable at such times as the directors of the company may think proper, which debentures may be sold on such terms as the said directors think fit.

Application of proceeds of debentures.

2. The moneys derived from the sale of said debentures 20 shall be used exclusively for the building and construction of the road in section 4 of this Act mentioned, and for no other purpose.

Debentures to be a first charge on property.

3. Such debentures shall be taken and considered and shall be first and preferential claims and charges upon the entire 25 property of the company, including the road hereby authorized to be constructed, and each holder of said debentures shall be deemed to be a mortgagee and incumbrancer *pro rata* with all the other holders thereof upon the property of the company, as aforesaid; all such debentures and coupons may be made 30 payable to bearer and transferable by delivery, and any holder of any such debenture so made payable to bearer may sue at law thereon in his own name.

Construction of branch road authorized.

4. The directors of the said company, after the sanction of the shareholders thereof shall have been first obtained in the 35 manner provided in the next section, shall have power to construct a plank, gravel or macadamized toll road leading north-easterly into the townships of Sarnia and Plympton, in the County of Lambton, from a point at or near the northerly part of the said Town of Sarnia.

Sanction of shareholders to be obtained for issue of debentures and construction of branch road.

5. Provided always, and it is hereby declared that the directors of said company shall not issue the said debentures, nor construct the said road, unless and until a by-law of the said company shall be duly passed and sanctioned at a special 40 meeting of the shareholders of the company convened for that purpose, authorizing the issue of said debentures and the construction of said road; provided further, that said by-law shall not have any force or effect unless shareholders representing at least nine-tenths of the capital stock of said company shall vote in favour of the passing thereof.

R. S. O. c. 152, to apply to branch road.


6. The said road shall be constructed under the provisions of *The General Road Companies' Act*, and all the powers, rights and privileges, now vested in or belonging to said company under 50

the said Act or any other Act shall, so far as the purchasing and acquiring of lands for the right of way for said road and otherwise, apply and belong to said company in the building, construction and operating said road, as fully to all intents and
 5 purposes as if the said road, hereby authorized to be constructed, formed part of or were an extension of the Road for the construction of which said company was originally formed.

7. The liabilities of the said company shall not in any way be lessened or changed by the passing of this Act, but shall
 continue the same as if this Act had not been passed. Liability of company not affected.

10

8. The said company shall have power and authority to grant aid to such branch or feeding roads as now, or shall hereafter, intersect or connect with the company's present road, or the road which this Act authorizes to be constructed, Company empowered to aid branch roads.

15 and all payments heretofore made by way of aid to branch or feeding roads as aforesaid are hereby declared to have been legally and validly made. 

No. 58.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Sarnia and Florence
Road Company.

*(Reprinted as amended by Private Bills
Committee.)*

First Reading, 17th February, 1886.

(Private Bill.)

Mr. PARDEE.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend The Consolidated Municipal Act, 1883.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. The treasurer of every municipality shall make out in
5 each year a statement of the receipts and expenditure of the municipality for the current year up to the first day of December in such year, setting down also therein as estimated receipts the balance on the collector's roll not paid in at said date, together with all items of revenue to fall due within the year
10 up to the first day of January following, and setting down as estimated expenditure for the balance of the year all sums to fall due from the municipality before the first day of January following, and all sums payable out of the taxes collected and to be collected for the year and including an appropriation
15 which it shall be the duty of the council to vote before the said first day of December to cover all expenditure to be made by or under the authority of such council subsequently to said first day of December, and striking a correct balance between the said receipts and estimated receipts and the said expenditure, estimated expenditure and appropriation.
Annual statement of receipts and expenditures.
2. The treasurer shall make oath to the correctness of such
statement before a notary public or justice of the peace, whose
certificate of such oath having been taken shall be appended
thereto, together with a certificate from the auditors of the
25 municipality that they have examined the said statement and compared the same with the books, rolls and vouchers of the municipality, and of the result of such examination.
Statement to be made under oath.
3. A correct copy of such statement, with the certificates
appended thereto, shall be published by the treasurer on or
30 before the fifteenth day of December in every year, at the expense of the municipality in some newspaper or newspapers published within or near the municipality, or by posting up printed copies in five conspicuous places, at least within the municipality.
Publication of statement.
4. The appropriation mentioned in section 1 of this Act
35 shall be such as is sufficient in the opinion of the council to meet all expenditure to be made by or under the authority of the council during the remainder of their term of office, and shall be voted at a meeting of the council held some time during the month of November.
40
Council to make appropriation to meet expenses.

Excess of ap-
propriation to
be re-voted by
the new
council.

5. No payment in excess of such appropriation (unless it be for a work of the classes excepted by section 7 of this Act) shall be made by the treasurer unless and until the amount of such excess be formally re-voted by the council of the succeeding year, provided however, that the treasurer shall be re- 5
quired to meet all payments on account of debentures, coupons or sinking fund of the municipality, payable out of the year's taxes, and shall retain in his hands, if necessary, sufficient of such appropriation to meet such payments when they shall become due.

Rights of
action sus-
pended.

6. No action shall be brought by, or on behalf of, any credit- 10
or of such municipality, except in respect of debentures or coupons thereof, or for a work or works of the class or classes excepted by the next succeeding section from the operation of such section, from the first day of December, unless and until the council elected for the succeeding year shall have passed 15
the claim or account which forms the subject of such action.

No expendi-
ture to be
incurred after
1st December.

7. No municipal council and no member or officer of a muni-
cipality shall, after the first of December in any year, have power to bind the municipality for the expenditure of any money upon any public works, except those of the nature of ordinary 20
repair and maintenance, or such as may be necessary for the public safety.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Consolidated Muni-
cipal Act, 1888.

First Reading, 9th February, 1886.

Mr. ERMATINGER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 60.]

BILL.

[1886.

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 61 of chapter 157 of the Revised Statutes of R. S. O. c. 157,
5 Ontario is hereby repealed and the following substituted s. 61, repealed.
therefor :

61. The sum so borrowed shall not exceed the sum of Limit of
\$40,000, to be expended in gas works, and the like sum for borrowing
water works, for any Incorporated Village, or the sum of powers.
10 \$100,000 for any Town or City for either gas or water works.

No. 60.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Act respecting Joint
Stock Companies for supplying Cities,
Towns and Villages with Gas and Water.

First Reading, 9th February, 1886.

MR. CARNEGIE.

TORONTO

PRINTED BY WAHNER & SONS, 26 AND 28 FRONT ST. W.

No. 60.]

BILL.

[1886.

An Act to amend the Act respecting Joint Stock Companies for supplying Cities, Towns and Villages with Gas and Water.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 61 of chapter 157 of the Revised Statutes of R. S. O. c. 157,
5 Ontario is hereby repealed and the following substituted s. 61, repealed.
therefor :

61. The sum so borrowed shall not exceed the sum of Limit of
\$40,000, to be expended in gas works, and the like sum for borrowing
water works, for any Incorporated Village; and for any powers.
10 Town or City, to be expended in either gas or water works,
the sums following: for any Town, the sum of \$80,000, and
for any City, the sum of \$100,000.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting Joint
Stock Companies for supplying Cities,
Towns and Villages with Gas and Water.

*(Reprinted as amended by Municipal
Committee.)*

First Reading,	9th February	1886.
Second “	9th March,	1886.

MR. CARNEGIE.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act to amend the Registry Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. Section 7 of chapter 111 of the Revised Statutes of R. S. O. c. 111, Ontario, entitled *The Registry Act*, is hereby repealed and the s. 7. following substituted therefor:

7. The Lieutenant-Governor shall, as occasion may require Appointment from time to time, by commission under the Great Seal of the of registrars. Province, appoint a fit and proper person to the office of Registrar, and shall in like manner fill up any vacancy occurring by death, resignation, removal or forfeiture of office by any Registrar, within three calendar months of the occurrence of such vacancy, and every Registrar heretofore appointed or hereafter to be appointed shall hold office during pleasure only.

2. Section 17 of the said Act is hereby amended by adding Sec. 17, the following words thereto: "and in the event of such amended. Deputy-Registrar continuing to discharge the duties of Registrar under this section for the period of three calendar months, then he shall become, by virtue thereof, as fully and completely the Registrar of such office as if he had been appointed thereto under section 7 of this Act."

No. 61.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Registry Act.

First Reading, 9th February, 1886.

Mr. CARNEGIE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Surrogate Courts Act and
respecting the estates of Deceased Persons and
Minors.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Section 15 of *The Surrogate Courts Act*, being chapter
5 46 of the Revised Statutes is hereby amended, by adding
thereto after sub-section 3 the following sub-sections.

(4) The surety upon any bond taken by any Surrogate Court, or any legatee, next of kin, or minor interested therein, may at any time make application to said Court for an order, requiring the principal to exhibit fully before said Court the condition of the estate held by him, so that it may be ascertained whether the estate is being properly managed ; and thereupon the Court shall cause reasonable notice of the application to be given to the said principal, and if, upon the hearing, the Court finds that the application is made in good faith it shall make the said order, and if the principal shall refuse to obey the order, or if upon his obeying it, the said Court shall find that the estate is not being properly managed by him, it may remove him and appoint another in his place.

Examination
of principal on
application of
surety.

(5) The surety upon any bond taken by any Surrogate Court or his heirs, executors or administrators, may at any time make application to the Court for relief from further liability thereon, and thereupon the Court shall cause reasonable notice of the application to be given to the principal on said bond, and all persons whom said Court shall find are directly interested in the estate, for the security of which such bond was given to appear and be heard upon the application, and if upon the hearing it does not appear that to grant the application would prejudice the said estate, the Court may order the principal to give, within such time as it may limit, a new bond with such security as the Court may direct, and if the said order is not complied with, may remove him and appoint another in his stead ; but if the new bond is duly given, the surety on the original bond and his representatives shall not be liable for any breach thereof thereafter committed, and in any case where the surety upon any bond has become liable on such bond, he shall have liberty to institute any proper action against his principal for his security.

Application of
surety on bond
for relief.

(6) Where any executor, administrator or guardian, becomes incapable of executing his office or neglects to perform the duties thereof, or wastefully or improperly administers the estate in his charge, the Court which appointed may remove

Removal or
resignation of
executors,
guardians, etc.

him after notice and hearing, on its own motion or upon the application and complaint of any person interested, and said Court upon such removal may appoint a suitable person to fill such vacancy, who shall give such security as the Court may direct.

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Power to enforce delivery of estate.

(7) Any Surrogate Court after the removal of an executor, administrator or guardian, and the appointment of his successor, may enforce the delivery of any estate held by the former, by virtue of his original appointment, to his successor, as fully as the High Court of Justice might do.

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Executors, etc. making payments, etc., under order to be protected.

(8) Whenever any person acting as executor, administrator or guardian, shall make payments or deliver any property or estate under or pursuant to the order of the Court having jurisdiction, the person making such payment or delivery in good faith, and before an appeal is taken from such order, shall not be liable for the money so paid or the property so delivered, although the order under or by virtue of which such payment or delivery shall be made, shall afterwards be reversed, vacated or set aside; but this provision shall not prevent a recovery of such money or property by the person entitled thereto, from any person receiving or in possession thereof.

Guardians to render annual accounts.

2. All guardians of minors having the control of rent or personal property, belonging to a minor or minors, shall annually render their accounts, under oath, to the Surrogate Court having jurisdiction in the premises, which account shall embrace an inventory of the estate held by them, shewing fully how the principal of the fund is invested and the items of income and expenditure; but if the Court finds that the estate so held by any person in any such capacity, is less than \$500 he shall not be required to render any account unless so ordered by the Court.

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Proceedings when property of an estate is concealed.

3. Where any person has under his control any property or documents belonging to the estate of a deceased person or persons, under the charge of a guardian, or anything that may tend to disclose its condition, and on demand therefor by the executor, administrator or guardian, refuses to deliver them to him, without legal justification for such refusal, or if such person, claiming to have a lien thereon, refuses to disclose the amount and particulars of his claim, the proper Surrogate Court may, upon the written application of the executor, administrator or guardian, cite such person to appear before said Court and may examine him on oath concerning the matters complained of; and if he shall refuse to appear or to answer the interrogatories put to him, the Court may commit him to prison until he shall conform to the law.

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Costs.

4. The Court shall ascertain the expenses occasioned by such commitment, and the executor, administrator or guardian of the estate shall pay the same, and if he shall afterwards recover judgment against such person for any property withheld by him belonging to said estate, said expenses, as ascertained by the Court, shall be taxed as part of the costs of the action; or if such person, after being imprisoned, shall without suit surrender any effects belonging to the estate withheld by him, the executor, administrator or guardian, may recover of him the amount of said expenses.

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5. Wherever the executor of a will, or administrator with the will annexed, or administrator of an intestate estate, or guardian of a minor, shall die before completing and accounting for his trust, the executor or administrator of such deceased person shall settle the account of the deceased in the Court, and the amount found due from or to him shall be paid in the same manner as if such account had been settled in the lifetime of the deceased. How accounts of deceased executor, etc., settled.
6. Executors and administrators may be authorized by the Court before which the estate is in settlement, to work up and complete any stock and materials in an unfinished state, or to continue any business so far as may be expedient for the prudent winding up of the same, if it shall find that it will be for the interest of the estate. Stock and materials may be worked up and business continued.
7. Surrogate Courts, before the final settlement of any estate may order the sale of the credits and choses in action belonging thereto, and may at any time order the sale of personal estate as it shall find for the interest of such estate, in such manner and after such notice as it shall judge reasonable, and in making orders for the sale of property, may order the same to be sold at public or private sale, at the discretion of the person authorized to make such sale. When Court may order sale of estate.
8. Surrogate Courts, or any Division of the High Court may allow out of any estate of a deceased person in settlement before such Courts, or fund now in Court, such amount as they may judge necessary for the support of the wife or family of the deceased during the settlement of the estate. Allowance for support of deceased's family.
9. The estate of any man who has died or hereafter dies without issue leaving a wife, shall be liable for the support of the wife during widowhood if she shall become poor, and there shall be no person of sufficient ability liable to support her, and every person to whom any of such estates shall be given or descend shall, so far as the estate extends, be liable to contribute to support her during her widowhood in proportion to the value of such estate, and the Court in which such estate is being administered, wound up or settled, upon application made by such wife or by any of her relatives in her behalf, or by the council of the municipality in which she resides, upon due hearing, after such notice as it may prescribe to the parties to whom said estate was given or has descended, may make, and by appropriate execution enforce, such order for contribution, as it deems just and necessary. Support of wife of one dying without issue.

No. 62.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Surrogate Courts Act,
and respecting the Estates of Deceased
Persons and Minors.

First Reading, 10th February, 1886.

Mr. FRENCH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 63].

BILL.

[1886

An Act to extend the Hours of Polling in Legislative and Municipal Elections.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 58 of chapter 10 of the Revised Statutes of R. S. O. c. 10,
5 Ontario is hereby repealed and the following substituted s. 58, repealed.
therefor :

58. On the day of polling the voting shall commence at every Hours of
polling place which is situated within any city, town or incor- voting.
porated village, at six o'clock in the morning, and shall finish
10 at half-past seven o'clock in the evening of the same day :
at all other polling places the voting shall commence at nine
o'clock in the morning, and shall finish at five o'clock in the
afternoon of the same day ; and the votes in all cases shall be
by ballot.

15 2. Section 115 of *The Consolidated Municipal Act, 1883*, is 46 V. c. 18,
hereby amended by the repeal of all that portion of the said s. 115,
section which follows the word "election" in the fourteenth amended.
line of the said section, and by adding thereto the following
sub-section :

20 (2) On the said day of polling, the voting shall commence at Hours of
every polling place in a city, town or incorporated village at voting.
six o'clock in the morning, and shall finish at half-past seven
o'clock in the evening of the same day ; at all other polling
places the voting shall commence at nine o'clock in the
25 morning, and shall finish at five o'clock in the afternoon of the
same day.

No. 63.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to extend the Hours of Polling in
Legislative and Municipal Elections.

First Reading, 10th February, 1886.

Mr. ERMATINGER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W

No. 64.]

BILL.

[1886.]

An Act respecting Covenants contained in Short Forms of Leases.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows,

1. Unless the contrary is expressly stated in the lease, all
5 covenants entered into by a lessee under *The Act respecting* ^{Covenants to}
Short Forms of Leases, shall run with the land demised, and ^{run with land.}
shall bind the heirs, executors, administrators, and assigns of
the lessee, and the proviso for re-entry contained in the
schedule to the said Act shall, when inserted in any such lease,
10 apply to a breach of either an affirmative or negative covenant.

2. This enactment shall apply to all existing leases.

Application of
Act.

No. 64.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting Covenants contained in
Short Forms of Leases.

First Reading, 11th February, 1886.

MR. HARCOURT.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting Covenants contained in Short
Forms of Leases.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Unless the contrary is expressly stated in the lease, all Covenants to
5 covenants *not to assign or sub-let without leave* entered into by run with lands.
a lessee under *The Act respecting Short Forms of Leases*,
shall run with the land demised, and shall bind the heirs,
executors, administrators, and assigns of the lessee, whether
mentioned in the lease or not, unless it is by the terms of the
10 lease otherwise expressly provided, and the proviso for
re-entry contained in the schedule to the said Act shall, when
inserted in any such lease, apply to a breach of either an
affirmative or negative covenant.

2. The extended form of covenant not to assign and sub-Schedule B,
15 let, contained in Schedule B to the Revised Statute respecting amended.
Short Forms of Leases and therein numbered 7, is hereby
amended by inserting the words, "his executors, administra-
tors, or assigns," after the word "lessee" in the first line
thereof.

3. Nothing in this Act shall apply to or affect existing Not to apply
20 leases. to existing
leases.

No. 64.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting Covenants contained in
Short Forms of Leases.

*(Reprinted as amended by Select
Committee.)*

First Reading, 11th February, 1886.
Second " 11th March, 1886.

Mr HARCOURT.

TORONTO:

PRINTED BY WARWICK & SONS, 25 AND 28 FRONT ST. W.

An Act to regulate the width of Tires to be used on
Public Highways.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. On and after the first day of June, in the year of our Lord 1890, the width of tires on waggons, drays and all other wheeled vehicles used on any of the public highways within the Province of Ontario, and carrying a load of two thousand pounds or upwards, shall not be less than three and one-half inches in width. Tires to be not less than three and a-half inches wide.
2. Any person violating the provisions of this Act shall, upon conviction thereof before a Police Magistrate or Justice of the Peace, be liable to a fine of not more than \$5 and costs, to be levied by distress or imprisonment, as in cases under *The Act respecting the duties of Justices of the Peace out of sessions*, in relation to summary convictions, and orders. Penalty.
3. This Act shall not apply to counties or districts that have any unorganized Townships within their limits. Application of Act limited.

No. 65.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to regulate the width of Tires on
Public Highways.

First Reading, 11th February, 1886.

Mr. SNIDER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Confirm certain Conveyances made by
Married Women.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Every conveyance made since the 29th day of March, 1873, by a married woman of or affecting her real estate to which her husband was an executing party, either as grantor or grantee, or otherwise, is and shall be taken and adjudged to be valid and effectual, to have passed the estate which such conveyance professed to pass of such married woman in said real estate. (See R. S. O., c. 127, s. 14.)
- Validity of conveyances made since March 27th, 1873.

2. Nothing in this Act contained shall render valid any conveyance to the prejudice of any title lawfully acquired from any unmarried woman prior to the passing of this Act, nor render valid any conveyance from the married woman not executed in good faith or any conveyance of any land, of which the married woman, or those claiming under her, is or are in actual possession or enjoyment contrary to the terms of such conveyance. (See R. S. O., c. 127, s. 14.)
- Certain titles not to be prejudiced.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to Confirm certain Conveyances
made by Married Women.

First Reading, 11th February, 1886.

Mr. GIBSON.
(*Hamilton.*)

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting Conveyances made by Married Women.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Every conveyance made since the 29th day of March, 1873, or *which shall hereafter be made* by a married woman of ^{Validity of conveyances made since March 27th, 1873.} or affecting her real estate, ~~and~~ shall be valid and effectual, notwithstanding that the husband has not joined therein or having joined therein has not joined as a grantor. ~~and~~
2. Nothing in this Act contained shall render valid any conveyance to the prejudice of any title lawfully acquired from any unmarried woman prior to the passing of this Act, nor render valid any conveyance from the married woman not executed in good faith, or any conveyance of any land, of which the married woman, or those claiming under her, is or are in actual possession or enjoyment contrary to the terms of such conveyance, *or affect any action or proceeding now pending.* (See R. S. O., c. 127, s. 14.) ^{Certain titles not to be prejudiced.}

No. 66.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting Conveyances made by
Married Women.

*(Represented as amended by Select
Committee.)*

First Reading,	11th February,	1886.
Second "	10th March,	1886.

Mr. GIBSON.
(Hamilton.)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Amend the Act Respecting Ditches and
Water Courses.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Every railway company shall be considered as an owner of lands, under the provisions of *The Act Respecting Ditches and Water Courses*. Railway companies owners within 42 V. c. 27.

2.—(1) Every existing ditch, drain, creek or water-course running through, and under any railway, may be used, when necessary, as an outlet for any ditch or drain that has been, or may be constructed under the provisions of the said Act, and any such existing ditch, drain, creek or water-course running across the lands, and through and under such railway may be deepened or widened so as to meet the requirements of the ditch or drain being constructed under the provisions of the said Act, and such deepening shall include an under-drain; but the deepening or widening shall be so executed as not to cause any injury to the road bed, or to any bridges or culverts under the railway. Use of existing ditches, drains, creeks or water-courses under railway.

(2) The railway company shall not be made liable for any portion of the work of the deepening or widening, or the cost of the same. Company not liable for work.

(3) The railway company shall have the same right of appeal as any owner has under the said Act; but the appeal of the railway company shall be confined to the use of the ditch, drain, creek or water course running through their lands, and under the railway. Company may appeal.

(4) Any notice required to be served, or sent to any owner, under the provisions of the said Act shall, in the case of a railway company, be served on, or sent to the station master or agent of the railway at the station nearest to the place, where the work is to be performed. Service of notices.

(5) Any person engaged in the construction of the ditch or drain across the lands, and through and under the railway, shall have the right to enter upon the railway lands for the performance of such work, without hindrance or molestation by the railway company, or their servants. Right of entry upon lands of Railway.

(6) Any officer or servant of such railway company who threatens or attempts to prevent such person as aforesaid from entering upon the performance of the aforesaid work, shall be liable to a fine of not less than \$5, nor more than \$20, Penalty.

on complaint made before one of Her Majesty's Justices of the Peace, in and for the county, and every such fine shall be paid over to the treasurer of the municipality in which the cause of action arose.

Owner may
make applica-
tion to the
Council.

3.—(1) In case any owner who has instituted, or who has been made liable for the construction of a portion of any ditch or drain constructed under the said Act, when the certificate or certificates mentioned in section 14 of the said Act has not been filed within two months after the work had to be completed from the time of the apportioning, or letting thereof, may make application to the council of the municipality having jurisdiction in the premises, to have such work inspected. 5 10

Council shall
cause an in-
spection.

(2) The council, upon such application, shall cause an inspection to be made, either by the engineer who made the award, or by some other engineer. 15

If work not
done, engineer
to re-let.

(3) If, upon such inspection being made, the engineer finds that the work has not been completed, or not done according to the award, he shall let the same, after giving the notices required by section 13 of the said Act. 20

If work is
done, engineer
to certify.

(4) If the work has been completed according to the terms of the award, the engineer shall certify the same to the council, in accordance with the provisions of section 14 of the said Act.

Engineer
liable to a fine
for neglect of
duty.

4. Any engineer who has made an award under the provisions of the said Act, and who is requested in writing to make an inspection of the work, as set forth in sections 13 and 14, and who for thirty days omits to make such inspection, shall be liable to a fine of not less than \$5, nor more than \$10, on complaint made before one of Her Majesty's Justices of the Peace, in and for the county, and every such fine shall be paid over to the treasurer of the municipality in which the cause of action arose. 25 30

No. 67.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting Ditches
and Water Courses.

First Reading, 11th February, 1886.

Mr. J. WATERS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to Amend the Municipal Act.

WHEREAS it is expedient to define more clearly the bridges that have to be erected and maintained by the council of a county, or by the councils of two or more counties, or by the councils of a county and city, and also to define the bridges that the councils of minor municipalities have to erect and maintain upon boundary lines, and the opening up and keeping in repair of such lines, and also the mode of procedure if arbitration takes place, and other matters: Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 532, of *The Consolidated Municipal Act, 1883*, is hereby repealed, and the following substituted therefor:—

Preamble.

46 V. c. 18, s. 532, repealed.

532. The county council shall have exclusive jurisdiction over all roads and bridges lying within any township, town or village of the county, and which the council by by-law assumes with the assent of such township, town or village municipality as a county road or bridge, until the by-law has been repealed by the council, and over all bridges across rivers or streams separating two townships in the county, and over all bridges crossing rivers or streams over 100 feet in width, within the limits of any incorporated village in the county, and connecting any highway leading through the county, and over all bridges, over rivers or streams forming boundary lines, and over all bridges of 100 feet in length or more, over rivers or streams crossing boundary lines, or crossing any deviated road, used in lieu of any such boundary line between two or more municipalities within the county.

Jurisdiction of County Councils over roads and bridges.

2. Section 535 of the said Act, as amended by section 22 of *The Municipal Amendment Act, 1885*, is hereby repealed, and the following substituted therefor:

Section 535 as amended by 48 V. c. 39, s. 22, repealed.

535.—(1) The council of each county shall erect, maintain and keep in repair, all bridges over rivers or streams forming boundary lines between two municipalities within the county, (other than in the case of a separate town), and all bridges of 100 feet in length, or more, over rivers or streams crossing boundary lines between two municipalities within the county, or crossing a deviated road, used in lieu of any such boundary line, and shall also erect, maintain, and keep in repair, all bridges over rivers or streams over 100 feet in width, within the limits of any incorporated village in the county, and connecting any highway leading through the county.

Bridges which the county has to erect and maintain.

Bridges which two or more counties have to erect and maintain.

(2) The councils of counties shall join in erecting, maintaining, and keeping in repair, all bridges over rivers or streams forming boundary lines between two or more counties, and all bridges of 100 feet in length, or more, over rivers or streams crossing boundary lines, between two counties, or crossing a deviated road, used in lieu of any such boundary line :

(3) The councils of a county and city, (or of a separate town, as the case may be,) shall join in erecting, and keeping in repair, all bridges over rivers or streams forming boundary lines between a county and city, as well as all bridges of 100 feet in length, or more, over rivers or streams crossing boundary lines between a county and city, or crossing a deviated road used in lieu of any such boundary line.

(4) A road which lies wholly, or partly between two municipalities, shall be regarded as a boundary line, within the meaning of this section, although such road may deviate, so that it is in some place or places wholly within one of such municipalities, and a bridge of 100 feet in length or more, built over a river or stream crossing such road where it deviates, as aforesaid, shall be held to be a bridge over a river or stream crossing a boundary line, within the meaning of this section.

Any of the councils may pass a by-law.

3.—(1) In the case of a bridge coming within the meaning of sub-sections 1 and 2 of the preceding section, the council of any one of the counties, or the council of the city, or county, or the council of the separated town, as the case may be, may pass a by-law providing for the erection of any such bridge, setting forth in the by-law, first, the public necessity that exists for the erection of the bridge; second, the place, or site where the bridge is to be erected; third, the kind of material to be used in the construction; fourth, the proportion of the cost of construction and maintenance to be borne by the municipality passing the by-law; fifth, the time within which the bridge is to be completed. A copy of the said by-law shall be forwarded to the head of the other council (or councils, as the case may be) having jurisdiction in the premises.

By-law, if not agreed upon, to be referred to arbitration.

(2) In case the other council (or councils, as the case may be) for six months after receiving the copy of the by-law, omits or refuses to pass a similar, or any by-law, or passes a by-law agreeing to one or more of the provisions of the first mentioned by-law, then, in either of such cases, the matters in dispute shall be referred to arbitration, under the provisions of *The Consolidated Municipal Act, 1883*, respecting arbitrations, and the arbitrators shall proceed as hereinafter provided :

Arbitrators to decide upon all the by-laws if not agreed upon.

(a) In case the council, which receives a copy of the first mentioned by-law, omits or refuses to pass a similar, or any by-law, then in such case the arbitrators shall decide and determine upon all the provisions of the first mentioned by-law, or in case the council pass a by-law agreeing to one or more of the provisions of the first mentioned by-law, then in such case the by-law shall be binding upon the municipality to the extent of the provisions agreed upon, and the arbitrators shall only decide and determine upon the provisions not agreed upon, and the award so made, shall be final ;

- (b) If the arbitrators decide against the erection of the bridge, no further proceedings shall be taken by any of the councils having jurisdiction in the premises for the period of two years, or such further time as the arbitrators may determine upon, but not exceeding four years in all; but at the expiration of such time, any one of the councils interested may again take proceedings for the erection of such bridge, as if no award had been made.

If arbitrators decide against erection, no proceedings to be taken for two or four years.

4. Section 536, of the said Act is hereby repealed, and the following substituted therefor:

Section 536 repealed.

536. All township boundary lines, and all deviated roads used in lieu of such boundary lines, and all bridges of less than 100 feet in length, over rivers or streams crossing such boundary lines, or crossing any deviated road used in lieu of such boundary line, and not assumed by the county council, such roads shall be opened, maintained and improved by the township councils.

Boundary lines and bridges not assumed by county councils.

5. Section 537 of the said Act is hereby repealed, and the following substituted therefor:

Section 537 repealed.

537. Township boundary lines, forming also the county boundary lines, and all deviated roads used in lieu of such boundary lines, and all bridges of less than 100 feet in length, over rivers or streams, crossing such boundary lines, or crossing any deviated road used in lieu of such boundary lines between two municipalities, and not assumed by the respective counties interested, such roads shall be opened, maintained and improved by the councils of the townships bordering on the same.

Township boundaries being also county boundaries.

6. Section 538 of the said Act is repealed, and the following substituted therefor:

Section 538 repealed.

538. In case a road lies wholly or partly between a county, city, town, township or incorporated village, and an adjoining county or counties, city, town, township, or incorporated village, the councils of the municipalities between which the road lies, shall have joint jurisdiction over the same, although the road may so deviate as in some places to be wholly, or in part within one, or either of them, and such councils shall have jurisdiction over all bridges of less than 100 feet in length over all rivers or streams crossing such boundary lines between two or more municipalities.

Joint jurisdiction over roads and bridges of less than 100 feet in length.

7. Section 539 of the said Act is hereby repealed, and the following substituted in lieu thereof:

Section 539 repealed.

- 539.—(1) No by-law of the council of any one of such municipalities, shall have any force respecting any such road or bridge mentioned in sections 536, 537, 538 of this Act, until a by-law has been passed in similar terms, as nearly as may be, by the other council or councils having jurisdiction in the premises.

Both councils must concur in by-laws respecting them.

- (2) The by-law shall set forth, firstly, the kind of work that is to be performed upon the road; secondly, the extent

What the by-law shall set forth.

of the work ; thirdly, the kind of material that is to be used in the construction of the road ; fourthly, the proportion of the cost that the municipality is willing to assume; and fifthly, the time within which the work is to be completed; and in the case of a bridge, the by-law shall set forth, firstly, the 5 kind of bridge to be built; secondly, the material to be used in the construction; thirdly, the proportion of the cost to be borne by the municipality; fourthly, the time within which the work is to be completed.

Section 540
repealed.

8. Section 540 of the said Act is hereby repealed, and the 10 following substituted therefor :

540.—(1) In case the other council, or councils, as the case may be, for six months after receiving a copy of the first mentioned by-law, omits or refuses to pass a similar, or any by-law, or passes a by-law agreeing to one or more of the 15 provisions of the first mentioned by-law, then, in either of such cases, the matters in dispute shall be referred to arbitration, under the provisions of this Act, respecting arbitrations, and the arbitrators shall proceed, as in the next subsection directed ; 20

If by-law not
agreed upon
arbitration to
follow.

Arbitrators
shall decide
upon all of the
by-laws if not
agreed upon,
etc., etc.

(2) In case the council who receives the copy of the first mentioned by-law omits or refuses to pass a similar, or any by-law, then, in such case the arbitrators shall decide, and determine upon all the provisions of the first mentioned by-law, or in case the council pass a by-law agreeing to one, or more 25 of the provisions of the first mentioned by-law, then, in such case, the by-law shall be binding upon the municipality to the extent of the provisions agreed upon, and the arbitrators shall only decide and determine upon the provisions of the by-law not agreed upon, and the award so made shall be final 30

Secs. 556-564
repealed.

9. Sections 556, 557, 558, 559, 560, 561, 562, 563 and 564 of the said Act, are hereby repealed.

Section 531
repealed.

10. Section 531 of the said Act, is hereby repealed, and the following substituted therefor :

Liability for
repairs of
public roads.

Limitation of
action.

531.—(1) Every public road, street, bridge and highway 35 shall be kept in repair by the corporation, and in default of the corporation so to keep in repair, the corporation shall, besides being subject to any punishment provided by law, be civilly responsible for all damages sustained by any person by reason of such default. Any claim for such damages must 40 be presented to the head of the council, within three months after the damages have been sustained;

(2) In case of a claim for damages sustained by any person, on account of the action of a council in repairing any road, street or highway, through, or on account of any ditching, drain- 45 ing, or excavating carried on by such council, such claim shall be presented to the head of the council within three months after the damages have been sustained,

Damages if
not agreed
upon arbitra-
tion takes
place.

(3) Any of the aforesaid claims for damages, if not mutually agreed upon between the council, and the parties claiming 50 such damages, the same shall be settled and adjusted by arbitration, under the provisions of this Act respecting arbitration.

11. Section 544 of the said Act is hereby amended, by adding the following sub-section thereto :

(2) If the compensation offered by the council, to the owner of the lands, or the road provided for the owner in lieu of the original road, as a means of egress and ingress, is not mutually agreed upon between the council and the owner or owners, as the case may be, then in such case, the matters in dispute shall be referred to arbitration, under the provisions of this Act respecting arbitration.

Arbitration
if council and
owner do not
agree.

No. 68.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 11th February, 1886.

MR. WATERS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend The Division Courts Act

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as, "*The Division Courts Amendment Act, 1886.*" Short title.

2. In all cases in which the garnishees under the provisions of sections 130 and 133 of *The Division Courts Act*, are a railway company, not having their chief place of business within the Province, the summons shall be issued only out of the Division Court of the division in which the office of a Traffic Superintendent or Assistant Traffic Superintendent of such railway company is situated, and shall be served only upon such Traffic Superintendent or Assistant Traffic Superintendent, or at the office of either of them, on some grown person employed therein as a clerk, at least fifteen clear days before the return day thereof, and upon or annexed to such summons shall be a memorandum shewing the residence of the primary debtor, and the nature of his occupation in the service of the said railway company at the time of the issuing of said summons, and also stating whether the debt alleged or adjudged to be due by the primary debtor to the primary creditor, was, or was not, incurred for board or lodging; and failure to furnish the said memorandum, shall render the service of the summons upon the railway company of no effect.

Service of
garnishee
summonses on
railway com-
panies.

3. In all cases in which the garnishees are a railway company, a certificate in writing, purporting to be under the hand of any departmental officer of such railway company, or his chief clerk, shewing the amount owing (exclusive of the statutory exemption where allowable) by the said railway company to the primary debtor at the time of the service of the summons, or if nothing is owing shewing the fact, may be mailed by the said railway company post paid, to the clerk of the court at his post office address, and such certificate, when received by the said clerk of the court, shall be *prima facie* evidence of the amount of such debt, or of such non-indebtedness, but the Judge may adjourn the hearing of the cause to permit the primary creditor to question the correctness of such certificate, and in such case the said railway company shall be notified by the clerk of the court of such adjournment, for such purpose, by a notice in writing which shall be mailed post-paid, within three days after the day of such adjournment, to the post office address of the person on whom on behalf of the said railway company the summons was served, and if at

Certificate of
officer of com-
pany evidence
of amount due
to primary
debtor.

the adjourned hearing of the cause the primary creditor fails to establish any material incorrectness in the statement in such certificate, the said railway company, if they attend at such adjourned hearing by counsel or agent, may be awarded by the Judge their costs of attendance, to be fixed by the Judge 5 at such adjourned meeting (in no case exceeding \$10), which costs shall be paid by the primary creditor to the said railway company, and payment thereof may be enforced by execution in the usual manner, or the railway company may deduct the amount of such costs from any sum which may have 10 been adjudged to be payable by them as garnishees.

R. S. O. c. 47, s. 120, amended. 4. Section 120 of *The Division Courts Act*, is hereby amended by adding the following words thereto: "Garnishee cases on each of the said lists shall first be disposed of."

Act to be read as part of R. S. O. c. 47. Short title. 5. This Act shall be read and construed as part of *The 15 Division Courts Act*, and of any Acts amending the same, and all the provisions of such Act or Acts, which are inconsistent with the provisions of this Act, are hereby repealed.

No. 69.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Division Courts Act.

First Reading, 16th February, 1886.

M. GIBSON,
(*Hamilton.*)

TORONTO:

PRINTED BY WARWICK & SONS, 25 AND 23 FRONT ST. W.

An Act to amend the Law of Descent of Lands, and
for other purposes.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:

1. After the commencement of this Act, all lands in the Pro-
5 vince which by the common law are regarded as real estate shall be held to be chattels real, and shall go to and be distributed by the executor or administrator of any person or persons dying, seised or possessed thereof, as other personal estate now passes to and is distributed by the personal repre-
10 sentatives. (Statutes of Newfoundland, title VIII., c. 35.)
Lands to be
chattels real.
2. Hereafter no words of limitation shall be necessary in
any conveyance of any land in order to convey all or any title
therein, but every deed or instrument conveying land shall
operate as an absolute conveyance of all such right and title
15 as the grantor may have had therein at the time of its execu-
tion, unless a contrary intention be expressed in such convey-
ance, but nothing herein contained shall preclude any convey-
ance from operating by way of estoppel, and hereafter the
introduction of any words of limitation into any conveyance
20 or devise of any land shall have the like force and meaning,
and no other than the same words of limitation would have if
used by way of limitation of any personal estate.
Effect of
conveyance.
Words of
limitation not
required.
3. No devise shall be valid or effectual as against the per-
sonal representative of the testator until the land affected
25 thereby shall have been conveyed to the devisee thereof by the
personal representative of the devisor, saving and excepting
such devises as shall be made by the testator to his personal
representative, either in his representative capacity or for his
own use.
Devisees to
take from per-
sonal repre-
sentative.
- 30 4. Every widow whose husband dies on or after the com-
mencement of this Act shall be entitled in lieu of dower in the
real estate of her deceased husband to the same rights in his
real estate as she would have if it were personal property, pro-
vided that the interest of the widow in the real estate of her
35 deceased husband under this Act shall be paramount to the
claims of his creditors.
Abolition of
dower,
5. No husband whose wife dies on or after the day of the
commencement of this Act shall be entitled to any estate by
the curtesy in the real estate of his deceased wife, but shall
40 have the same right in such real estate as a wife has in the
real estate of her deceased husband. (Statute of Manitoba.)
And of tenant
by curtesy.

Surrogate
Court to take
security for
proper admin-
istration of
laws.

6.—(1) Lands of deceased persons shall be administered in all respects in the same manner as personal estate is now administered, and the same securities shall be taken by the Surrogate Court for the proper administration of the lands of deceased intestates as is now taken in respect of their personal estate, and the judges having power to make rules for the regulation of the said courts shall make such rules and regulations as may be necessary to carry into effect the changes in the law hereby made. 5

Lands to be
saleable under
Fi fa goods.

(2) Such lands shall be assets in the hands of the personal representative for the payment of debts, and shall be saleable under *fi fa* goods. 10

Writs of *Fi fa*
against lands
abolished.

7. Writs of *feri facias* against lands are hereby abolished and all lands shall hereafter be bound by *fi fa* goods and saleable thereunder; provided that lands shall not be saleable under any execution until there shall have been a writ in the Sheriff's hands against such lands for at least six months. 15

Conveyances
by husband to
wife, and *vice*
versa.

8. A man may make a valid conveyance or transfer of his real estate to his wife, and a woman may make a valid conveyance or transfer of her real estate to her husband, without, in either case, the intervention of a trustee. 20

Married
woman to be
as if a *feme*.

9. A married woman (whether married before or after the passage of this Act) shall in respect of property (whether acquired by her before or after marriage, or before or after the passage of this Act) have all the rights and be subject to all the liabilities of a *feme sole*, and may alienate and, by will or otherwise, deal with land as if she were unmarried, and freed from any control or interest of her husband. 25

No. 70.

2nd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Law of Descent of
Lands, and for other purposes.

First Reading, 11th February, 1886.

MR. ERMATINGER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Further amend the Assessment Act.

HER MAJESTY, by and with the advise and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 5 of section 37, of *The Assessment Act* as amended and enacted by *The Assessment Amendment Act, 1885*, is hereby further amended by omitting therefrom the word "him" in the third line of the said section, and inserting instead thereof, the words "or delivered to such assessor."

R. S. O. c.
180, s. 13, sub-
s. 5; 48 V. c.
42, s. 5,
amended.

2. To remove doubts, it is hereby declared and enacted, that any person entered in an assessment roll as a "wage earner" within the meaning of *The Assessment Act* as amended by *The Assessment Amendment Act, 1885*, shall be entitled to and shall have the full exemption from taxation provided for by sub-section 22 of section 6 of *The Assessment Act* in respect of earnings or income.

Exemption of
wage-earners.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to further amend the Assessment Act.

First Reading, 11th February, 1886.

MR. FRASER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to further amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 12 of section 6 of *The Assessment Act* is hereby repealed and the following substituted therefor : R. S. O. c. 180,
s. 6, sub-s. 12,
repealed.

(12) The houses and premises of any officers, non-commissioned officers and privates of Her Majesty's Regular Army or Navy in actual service, while occupied by them, and not exceeding \$2,000 in value; and the full, or half-pay of any one in either of said Services, and any pension, salary, gratuity or stipend derived by any person from Her Majesty's Imperial Treasury, or elsewhere out of the Dominion of Canada; and the personal property of any person in such Naval or Military Services on full pay or otherwise, in actual service.

2. Sub-section 17 of said section 6 of the said Act is amended by inserting between the word "Province" and the word "but" in the third line of said sub-section 17, the following words: "and the stock held by any person in any incorporated Company, whose personal estate is liable to assessment in this Province." Sub-s. 17,
amended.

3. Section 6 of the said Act is hereby further amended by adding thereto the following as sub-section 26 thereof: Exemption of
vessels.

(26) No vessel property of the following description, namely: Steamboats, sailing vessels, tow barges and tugs, shall be liable to taxation, but the income earned by or derived through, or from any such property may be taxable.

4. Section 19 of *The Assessment Act*, as amended by section 3 of the Act passed in the 42nd year of Her Majesty's reign, and chaptered 32, is hereby repealed and the following substituted therefor; Assessment of
partnership
property.

19.—(1) When the land is owned or occupied by more persons than one, and all their names are given to the assessor, they shall be assessed therefor in the proportions belonging to or occupied by each respectively; and if a portion of the land so situated is owned by parties who are non-resident, and who have not required their names to be entered on the roll, the whole of the property shall be assessed in the names furnished to the assessor as the names of the owners, saving the recourse of the persons whose names are so given against the others.

(2) If any member of a partnership so requests, his share or interest of, or in the real or personal property of, or belonging to the partnership, shall for all purposes and in all respects be assessed as if the same were the separate and individual property of such member, and formed no part of said partnership property. 42 V. c. 32, s. 3. 5

(3) A company may, by notice in that behalf to be given to the clerk of any municipality wherein a separate school for Roman Catholics exists, require any part of the real property of which such company is either the owner and occupant, or, not being such owner, is the tenant, occupant or actual possessor, and any part of the personal property (if any) of such company, liable to assessment, to be entered, rated and assessed for the purposes of said separate school, and the proper assessor shall thereupon enter said company as a separate school supporter 15 in the assessment roll in respect of the property specially designated in that behalf in or by said notice, and the proper entries in that behalf shall be made in the prescribed column for separate school rates, and so much of said property as shall be so designated shall be assessed accordingly in the name of 20 said company for the purposes of said separate school and not for public school purposes, but all other property of said company shall be separately entered and assessed in the name of the company as for public school purposes: provided always that the share or portion of the property of any company entered, 25 rated or assessed in any municipality for separate school purposes, under the provisions of this section, shall bear the same ratio and proportion to the whole of the property of the company assessable within said municipality that the amount or proportion of the shares or stock of such company, so far as 30 the same are paid or partly paid up, and are held or possessed by persons who are Roman Catholics, bears to the whole amount of such paid or partly paid up shares or stock of the company.

(a) A notice by the company to the clerk of the local 35 municipality under the provisions of this section may be in the form or to the effect following:

To the Clerk of (*describing the municipality*),

Take notice that (*here insert the name of the company so as to sufficiently and reasonably designate it*) pursuant to a resolution in that behalf of the the directors of said company requires that hereafter and until this notice is either withdrawn or varied, so much of the property of the company assessable within (*giving the name of the municipality*), and hereinafter specially designated shall be entered, rated, and assessed for separate school purposes, namely, one-fifth (*or as the case may be*) of all real property, and one-fifth (*or as the case may be*) of all personal property of said company, liable to assessment in said municipality.

Given on behalf of the said company this (*here insert date*).

R. S., Secretary of said Company.

(b) Any such notice given in pursuance of a resolution in that behalf of the directors of the company shall for all purposes be deemed to be sufficient, and 40 every such notice so given shall be taken as continuing and in force and to be acted upon, unless and until the same is withdrawn, varied or cancelled by any notice subsequently given, pursuant to any resolution of the company or of its directors. 45

(c) Every such notice so given to any such clerk shall remain with and be kept by him on file in his office, and shall at all convenient hours be open to inspection and examination by any person entitled to examine or inspect any assessment roll, and the assessor shall in each year, before the completion and return of the assessment roll, search for and examine all notices as may be so on file in the clerk's office, and shall thereupon in respect of said notices (if any) follow and conform thereto and to the provisions of this Act in that behalf.

(d) The word "company" in this section shall mean and include any body corporate.

5. Sub-section 5 of section 37 of the *Assessment Act* as amended and enacted by *The Assessment Amendment Act, 1885*, is hereby further amended by omitting therefrom the word "him" in the third line of the said section, and inserting instead thereof the words "or delivered to such assessor."

6. To remove doubts, it is hereby declared and enacted that any person entered in an assessment roll as a "wage-earner" within the meaning of *The Assessment Act* as amended by *The Assessment Amendment Act, 1885*, shall be entitled to and shall have the full exemption from taxation provided for by sub-section 22 of section 6 of *The Assessment Act* in respect of earnings or income.

7. Section 45 of *The Assessment Act*, as amended by section 20 of *The Act respecting Municipal Assessments and Exemptions* passed in the 43rd year of Her Majesty's reign, and chaptered 27, is hereby repealed, and the following substituted therefor:

45. In cities, towns, or incorporated villages, the council may by a by-law or by-laws, require the payment of taxes, and of all local improvement assessments, including sewer rents, and rates to be made, into the office of the Treasurer or Collector, by any day or days to be named therein, in bulk, or by instalments, and may by such by-law or by-laws allow a discount for the prompt payment of such taxes, assessments, rents or rates, or any instalment thereof, on or before the day or days on which the same shall be made payable, and may by such by-law or by-laws impose an additional percentage charge on every unpaid tax or assessment, rent or rate or instalment thereof, which shall be added to such unpaid tax or assessment, rent or rate or instalment thereof, and be collected by the collectors as if the same had originally been imposed and formed part of such unpaid tax, or assessment rent, or rate or instalment thereof.

8. Section 103 of *The Assessment Act* is hereby amended by adding thereto the words following:

"And such collector shall at the same time furnish the Clerk of the Municipality with a duplicate of such account, and the Clerk shall, upon receiving such account, mail a notice to each person appearing on the roll with respect to whose land any taxes appear to be in arrear for that year."

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to further amend the Assessment
Act.

*(Reprinted as amended by Committee of
Whole House.)*

First Reading, 11th February, 1886.
Second " 2nd March, 1886.

Mr. FRASER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 72.]

BILL.

[1886.

An Act to Amend the Act respecting Assignments for
the Benefit of Creditors.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows.

1. Sub-section 1, of section 3, of chapter 26, of the Acts 48 V. c. 26, s.
5 passed in the 48th year of Her Majesty's reign, is hereby 3, sub-s. 1,
amended by striking out of the third and fourth lines of said amended.
sub-section, the following words: "or to another assignee with
the consent of the Creditors, as hereinafter provided."

2. Sub-section 4, of said section 3, is hereby repealed.

Sec. 3, sub-s. 4,
repealed.

No. 72.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting Assignments for the Benefit of Creditors.

First Reading, 12th February, 1886.

Mr. McINTYRE.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting Receipts and Acquittances.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Any person or persons, or any agent of any person or
5 persons, from whom any sum or sums of money shall be due
or claimed to be due and payable, and who shall have paid
such sum or sums of money, may provide a proper receipt,
discharge or acquittance for such sum or sums so paid as
10 aforesaid, and may demand and require of the person or per-
sons entitled to such sum or sums of money, or any agent or
agents to whom the same shall have been paid, to sign and
acknowledge the same; and if any person to whom any sum
or sums of money shall have been paid as aforesaid, shall
15 refuse to sign, acknowledge, and give such receipt, discharge
or acquittance, upon demand thereof, every such person shall
forfeit and pay for every such offence, the sum of \$10, to be
recovered with costs on summary conviction before any two
Justices of the Peace, or before a Police Magistrate.

Persons pay-
ing money to
be entitled
to a receipt
therefor.

Penalty.

No. 73.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting Receipts and Acquittances.

First Reading, 12th February, 1886.

M. F. ERNSTINGER.

TORONTO:

PRINTED BY WATKIN & SONS, 25 AND 28 FRONT ST., W.

No. 74.]

BILL.

1886.]

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Section 351, of *The Consolidated Municipal Act, 1883*, is ^{46 V. c. 18,}
5 hereby amended by adding after the word "works," in the ^{s. 351,}
fifth line thereof, the following : " or of the right to collect tolls ^{amended.}
on any such roads or bridges, from time to time, for the pur-
pose of making such roads or bridges free from tolls."

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 12th February, 1886.

Mr. BAXTER.

TORONTO

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting Mechanics' Institutes and Art Schools.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act the word "member" shall mean any person ^{Meaning of} who subscribes his name to any requisition for the establish- ^{member.} ment or maintenance of a Mechanic's Institute or Art School, but shall not include a pupil attending any of the classes for instruction; and the liability of all such members or subscribers is hereby limited to the amount of money so
10 subscribed.

2—(1) Any number of persons, not less than ten, may be ^{Mode of} incorporated as a Mechanic's Institute or Art School, in the ^{incorporation.} the following manner:—

2. Such persons shall make and sign a declaration in the
15 form of Schedule "A" to this Act.

(3) One copy of such declaration shall be filed in the office of the registrar of deeds for the county, or other registration division in which such proposed Mechanics' Institute or Art School is situate, and another certified by the said registrar, as
20 herein provided, shall be transmitted to the Education Department, and for such registration or filing, or for every copy thereof, the registrar shall be entitled to a fee of not more than fifty cents. C. S. C. c. 72 s. 1, amended.

3. The person presenting the said declaration for filing, shall, ^{Certificate of} before such registrar or deputy registrar, acknowledge the ex- ^{registration.} ecution thereof, by himself, and declare the same to have been executed by the other parties thereto, either in person or by their attorneys, and such duplicate or any copy thereof, certified by such registrar or deputy registrar, shall be *prima facie*
30 evidence of the facts alleged in such declaration. C. S. C. c. 72, s. 2, 3; 40 V. c. 7; *Sched. A.* (153, 154.)

4. When the formalities aforesaid have been complied with, ^{Directors shall} the directors mentioned in such declaration, and their succes- ^{be a body} sors, shall be a body corporate and politic and shall possess all ^{corporate.}
35 the rights and powers conferred by the Incorporation Act and by this Act. C. S. C. c. 72, s. 4, amended.

(2) In the case of any Mechanic's Institute or Art School, established when this Act takes effect, the trustees or directors ^{Other Insti-} thereof may become incorporated on complying with the for- ^{tutes or Art} malities prescribed in section 2 of this Act. ^{Schools may} incorporate.

- First meeting. **5—(1)** The person filing the declaration aforesaid, shall, not more than thirty days thereafter, call a meeting of the subscribers thereto for the purpose of electing officers and framing such by-laws as they may deem expedient for all purposes relating to the business of the corporation consistent with this Act. (*New*). 5
- Officers. **6.** The officers of every Mechanic's Institute or Art School, shall consist of a president (who shall be *ex officio* a director), secretary, treasurer, and a board of directors of not less than five or more than nine (exclusive of the president) and such other officers as may be designated in the by-laws of the corporation. C. S. C. c. 72, s. 11, part. 10
- Election. **7.** All officers after the first election, shall be elected on the first Monday in May of each year, at such hour as may be fixed by the by-laws of the Institute or Art School, and shall hold office for one year, or until their successors are appointed. C. S. C. c. 72, s. 11, part. 15
- Failure to elect directors. **8.** A failure to elect directors, shall not operate the dissolution of the corporation, but the directors then in office shall remain in office until their successors are elected, which they may be, at any meeting of the members of the corporation at which a majority of such members are present, in whatever way such meeting may have been called. C. S. C. c. 72, s. 12. 20
- May make by-laws. **9.** The directors may make by-laws or rules for the safety and use of the library and reading room, and for the management of classes in such subjects as may be prescribed by the Education Department, and for regulating all other matters and things whatever connected with the proper business of a Mechanic's Institute or Art School, and for the management of the property of the corporation; and the directors may impose penalties for breaches of the by-laws or rules not exceeding four dollars for any offence, and may from time to time repeal, alter, vary or re-enact any such by-laws or notices, but any such by-laws or rules shall not be binding upon the members of such corporation, unless and until approved by a majority of those present at a meeting called for such purpose. (*New*). 25 30 35
- Minutes to be kept. **10.** A minute of all the proceedings of the directors, shall be entered in a book or books to be kept for that purpose, and shall be signed by the president or chairman for the time being, and such minutes so signed, shall be deemed to be original minutes, and such book or books, may be produced and read as evidence of the proceedings of such directors upon any judicial proceedings whatever. 40
- Use of same. **11.** It shall be lawful for the directors to exercise all the powers of the corporation, to act on its behalf and in its name and use its seal, subject always to such by-laws as may have been approved by the members thereof, at any regular meeting. C. S. C. c. 72, s. 4, *amended*. 45
- Powers. **12.** The funds and property of every Mechanics' Institute or Art School shall be appropriated and used for purposes legitimately appertaining to the business of Mechanics' Institutes or Art Schools, and for no other. 50

13.—(1) Any Mechanics' Institute or Art School duly incorporated, and situate in any city or in a town having three thousand inhabitants or more, may hold real property not exceeding in annual value the sum of \$2,000. Power to hold lands in towns with 3,000 inhabitants and in cities.

(2) Any Mechanics' Institute or Art School duly incorporated, and situate in any town or village not having three thousand inhabitants, may hold real property not exceeding in annual value the sum of \$1,000. Power as to lands in villages and in towns under 3,000.

(3) In cases not mentioned in the next preceding two sections of this Act, the yearly value of real property to be held by any such Corporation shall never exceed \$400. Limits in other cases.

14. If it is provided in the declaration, or by the by-laws of the Corporation, that the shares of the members, in the property of the Corporation, shall be transferable, then they shall be transferable accordingly, in the way and subject to the conditions mentioned in the declaration, or in the by-laws of the Corporation, if by such declaration such transfers are to be regulated by them. When shares transferrable.

15. All such shares shall be personal property, and by the declaration or by-laws provision may be made for the forfeiture of the shares in cases to be therein named, or for preventing the transfer thereof to others than persons of some certain description, or resident within some certain locality. Shares to be personal property.

16. Where the directors of Mechanics' Institutes, neglect to report to the Education Department for a period of two successive years, or where they fail or neglect to open the library or reading room to the public or to the members thereof, or establish evening classes for a like period as provided by the regulations of the Education Department, such failure or neglect shall operate a dissolution of such corporation, and it shall be lawful for the Education Department through its proper officer to take possession of all the books, magazines and periodicals, in such library or reading room, and dispose of the same to the public, high or separate school trustees of the municipality in which such Mechanic's Institute is situated, or to the municipal corporation thereof, on such terms and conditions as may be deemed expedient, but nothing herein contained shall be deemed to confer any authority or control over any real estate under the jurisdiction of said directors. When Mechanic's Institute fails to report.

17. In case a resolution authorizing or recommending the sale or conveyance by way of mortgage of any real estate belonging to any Mechanics' Institute or Art School, incorporating or lawfully acting under the provisions of this Act, is passed by two-thirds of the Trustees of such Corporation, and is at any time within six months thereafter approved by a vote of the majority of the members of such Corporation entitled to vote under its by-laws, present at an annual meeting, or at any general meeting duly called in accordance with the provisions of its said by-laws in respect of the calling of general meetings, the Trustees may sell and convey such real estate, or may convey the same by way of mortgage in security for any moneys borrowed for the purpose of the Corporation. (42 V. c. 29, s. 1.) Manner of authorizing sales and mortgages.

Purpose of meeting to be stated in notice calling same.

18. In the notice calling any annual or special meeting, at which it is proposed to submit for approval such a resolution, it shall be stated that a resolution authorizing or recommending the selling or mortgaging of such real estate will be submitted at the said meeting for approval; and such notice is to be given at least two weeks before the day of meeting. (42 V. c. 29, s. 2.) 5

Mode of executing conveyances.

19. Every conveyance, whether absolute or by way of mortgage, executed in pursuance of this Act, shall be executed by the President and Secretary of the Corporation, if the Corporation has under its by-laws a President and Secretary; or if the by-laws of the Corporation do not provide for the appointment of these officers, then by the majority of the Trustees; and every such conveyance shall be under the Corporate Seal of the Corporation. (42 V. c. 29, s. 3.) 15

Recital *prima facie* evidence.

20. In case a conveyance executed under this Act recites the resolution of the Trustees, and the proceedings taken with reference thereto, such recital shall be *prima facie* evidence of the passing of such resolution, and of the action taken in respect thereof. (42 V. c. 29, s. 4.) 20

Certain conveyances confirmed.

21. Every conveyance, either absolute or by way of mortgage, of any real estate of any Corporation incorporated under the *Revised Statute respecting Library Associations and Mechanics' Institutes*, chapter 168, or acting thereunder, heretofore made and executed by the President of the Corporation, or by the majority of the Trustees, acting under the authority of a resolution of a general meeting of the Corporation, or of a resolution of the Trustees, shall, if the consideration has been substantially applied for the purposes of the Corporation, be held to be valid and effectual. (42 V. c. 29, s. 5.) 30

Mechanics Institutes may transfer property to corporation of municipality for the purposes of the Free Libraries Act.

22.—(1) Any Mechanics' Institute in a municipality in which a Free Library has been established according to *The Free Libraries Act*, may, by agreement with the Board of Management referred to in section 3 of *The Free Libraries Act, 1882*, transfer to the Corporation of the municipality, for the purposes of the said *Free Libraries Act, 1882*, all or any property, real or personal, of the Institute; but any transfer which, but for this section, the Institute would not have authority to make, shall only be made in the manner provided by the said *Free Libraries Act, 1882*. 40

(2) In case the transfer is to be made on terms involving the assumption of any liability of the Institute, or the payment of any money in consideration of the transfer, the agreement shall not be binding unless approved of and consented to by by-law of the Municipal Council. (45 V. c. 22, s. 10.) 45

Conditions required for obtaining legislative grant.

23. It shall be the duty of the Directors of every Mechanics' Institute, in order to be entitled to any portion of the appropriation made by the Legislative Assembly for Mechanics' Institutes:

1. To see that such Institute is incorporated according to the provisions of this Act or some former Act; 50

2. To establish a Library containing books on Mechanics, Manufactures, Agriculture, Horticulture, Philosophy, Science,

the Fine and Decorative Arts, History, Travels, Poetry and Biography; or

3. To open a Reading-room; or
4. To organize Evening Classes for instruction in one or more of the three following courses, namely, an English Course, comprising the study of English and Canadian History, English Grammar and Composition; a Commercial Course, comprising the study of Book-keeping, Arithmetic and Writing; a Drawing Course, comprising the study of Freehand, Architectural and Mechanical Drawing;
5. To report before the 1st of May, in each year, to the Education Department, in such form as may be prescribed by the Minister of Education. (34 V. c. 23, ss. 6, 22; 36 V. c. 36, ss. 6, 10, amended.)

- 15 **24.** The Education Department shall have power, in respect of the following matters:

Powers of
Education
Department.

1. To make regulations for sanctioning the purchase by the Trustees of Mechanics' Institutes, of books in other subjects than those mentioned in section 23 of this Act.
- 20 **2.** For the management and inspection of Mechanics' Institutes, Libraries, Reading-rooms and Evening Classes and Art Schools, and for the auditing of all accounts appertaining thereto.
3. For the payment of such inspection, either by the
- 25 **Public School Inspector** or otherwise, a sum not exceeding \$10 for every Institute or Art School inspected

25.—(1) The appropriation annually made by the Legislative Assembly for Mechanics' Institutes, shall be distributed, subject to the regulations of the Education Department, as follows:

Distribution
of legislative
grant.

- 30 (a) Every Mechanics' Institute with a membership of fifty persons, and contributing in annual subscriptions the sum of twenty-five dollars, shall receive twenty-five dollars annually.
- (b) Every Mechanics' Institute with a membership of one
- 35 hundred or over, and contributing in annual subscriptions not less than fifty dollars shall receive fifty dollars annually.
- (c) In addition to the sums in the preceding sub-sections mentioned, every Mechanics' Institute shall receive
- 40 for its Library the sum of one dollar for every dollar expended on books as provided by this Act, but so as not to exceed the sum of one hundred and fifty dollars for Library purposes; for its Reading-room the sum of one dollar for every dollar
- 45 expended for newspapers, magazines or other periodicals, but so as not to exceed the sum of fifty dollars for Reading-room purposes; for Evening Classes the sum of two dollars for every pupil in any of the courses herein prescribed, but so as not
- 50 to exceed one hundred dollars in all for Evening Classes. (*New.*)

(2) The amount of such local contribution shall be attested by the statutory declaration of the Treasurer or Secretary-

Treasurer in such form as may be required by the Minister of Education.

26. The Association heretofore incorporated and known as the "Association of Mechanics' Institutes of Ontario," shall cease to be a body corporate on after the thirtieth of September next, after the passing of this Act, and all surplus monies in the hands of the treasurer of such Association, after the payment of all debts and liabilities, shall be by him paid over to the credit of the Provincial Treasurer

ART SCHOOLS.

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Grant to Art
Schools.

27. Every Art School incorporated under this or any other Act and complying with the regulations of the Education Department respecting the equipment, accommodation and teachers required for Art Schools, shall be entitled to receive out of any moneys appropriated by the Legislative Assembly for Art purposes a fixed grant of four hundred dollars, and such additional sums for proficiency in art studies as may be determined by the regulations of the Education Department respecting final examinations. (*New.*)

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THE SOCIETY OF ARTISTS.

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Society of
Artists.

28. The Society now existing and known as the "Ontario Society of Artists," may organize and form themselves into a Society comprising not less than twenty-five members, and paying an annual subscription of not less than five dollars each, to be known as "The Ontario Society of Artists," and shall have power to adopt a constitution and make by-laws for the admission of members and for its guidance and proper management, and for the conduct and management of the Canadian Art Union and the promotion of any objects consistent with the study of Art and its practical bearing upon the interests of the Province of Ontario, and not inconsistent with the laws of the Province; and on filing a copy of such constitution and by-laws with the Minister of Education, such Society shall become a body corporate under this Act. (43 V. c. 5, s. 1.)

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Grant of not
less than \$500.

29. Such Society, so long as the number of its *bona fide* members is not less than twenty-five, shall be entitled to receive from such moneys as may be appropriated by the Legislative Assembly for that purpose the sum of five hundred dollars.

40

Annual meet-
ing.

30. The said Society shall hold an annual meeting in each year, at such time and place as the said Society may appoint, not being later than the thirtieth day of September, and the retiring officers shall at such meeting present a full report of their proceedings and of the proceedings of the Society, and a detailed statement of its receipts and expenditure for the previous year; and the Society shall at such meeting elect a President, a Vice-President, and such other officers as the constitution and by-laws of the Society may provide to be elected, and the Society shall also elect two Auditors.

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50

Election of
officers.

31. A copy of the annual report of its proceedings, and a statement of receipts and expenditure, and a list of the officers elected, and also a report of such information as the Society may have been able to obtain on the progress of Art in the Province, shall be sent to the Minister of Education within forty days after the holding of such annual meeting. (43 V. c. 5, s. 1.)

32. This Act shall extend to all Mechanics' Institutes or Art Schools incorporated since the thirtieth day of August, A.D. 1851, but shall not be held in any way to affect or extend to any Mechanics' Institute or Art School incorporated before that day. (C. S. C. c. 72, s. 21.)

SCHEDULE A.

(See Section 2.)

We, the subscribers hereto, hereby agree to establish (a *Mechanic's Institute, Reading-room, Evening Classes or Art School, as the case may be*) in the municipality of _____, and we further agree that (here insert names of first directors, not less than five) shall be the first directors of said (Mechanic's Institute, Reading-room, Evening Classes, or Art Schools, as the case may be), and we do hereby apply under section 2 of *The Act respecting Mechanic's Institutes and Art Schools* for incorporation. (Then follow the names and descriptions of the applicants.)

No. 75.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting Mechanics' Institutes
and Art Schools.

First Reading, 17th February, 1886.

Mr. Ross.
(*Middlesex*.)

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting Mechanics' Institutes and Art Schools.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In this Act the word "member" shall mean any person ^{Meaning of} who subscribes his name to any requisition for the establish- ^{member.} ment or maintenance of a Mechanic's Institute or Art School, but shall not include a pupil attending any of the classes for instruction; and the liability of all such members or subscribers is hereby limited to the amount of money so
10 subscribed.

2—(1) Any number of persons, not less than ten, may be ^{Mode of} incorporated as a Mechanic's Institute or Art School, in the ^{incorporat} following manner:—

(2) Such persons shall make and sign a declaration in the ¹⁵ form of Schedule "A" to this Act.

(3) One copy of such declaration shall be filed in the office of the registrar of deeds for the county, or other registration division in which such proposed Mechanics' Institute or Art School is situate, and another certified by the said registrar, as
20 herein provided, shall be transmitted to the Education Department, and for such registration or filing, or for every copy thereof, the registrar shall be entitled to a fee of not more than fifty cents. C. S. C. c. 72 s. 1, amended.

3. The person presenting the said declaration for filing, shall, ^{Certificate of} before such registrar or deputy registrar, ^{or before any} commissioner for taking affidavits or Notary Public, ^{registration.} acknowledge the execution thereof, by himself, and declare the same to have been executed by the other parties thereto, either in person or by their attorneys, and such duplicate or
30 any copy thereof, certified by such registrar or deputy registrar, shall be *prima facie* evidence of the facts alleged in such declaration. C. S. C. c. 72, s. 2, 3; 40 V. c. 7; *Sched. A.* (153, 154.)

4. When the formalities aforesaid have been complied with, ^{Directors shall} the directors mentioned in such declaration, and their suc- ^{be a body} cessors, shall be a body corporate and politic and shall possess all ^{corporate.} the rights and powers conferred by *The Interpretation Act* and by this Act. C. S. C. c. 72, s. 4, amended.

(2) In the case of any Mechanic's Institute or Art School, ^{Other Insti-} ^{tutes or Art} ^{Schools may} ^{incorporate.} not *incorporated* when this Act takes effect, the trustees or directors

thereof may become incorporated on complying with the formalities prescribed in section 2 of this Act.

First meeting. **5—**(1) The person filing the declaration aforesaid, shall, not more than thirty days thereafter, call a meeting of the subscribers thereto for the purpose of electing officers and framing such by-laws as they may deem expedient for all purposes relating to the business of the corporation consistent with this Act. (*New*). 5

Officers. **6.** The officers of every Mechanic's Institute or Art School, shall consist of a president (who shall be *ex officio* a director), secretary, treasurer, and a board of directors of not less than five or more than nine (exclusive of the president) and such other officers as may be designated in the by-laws of the corporation. C. S. C. c. 72, s. 11, part. 10

Election. **7.** All officers after the first election, shall be elected on the first Monday in May of each year, at such hour as may be fixed by the by-laws of the Institute or Art School, and shall hold office for one year, or until their successors are appointed. C. S. C. c. 72, s. 11, part. 15

Failure to elect directors. **8.** A failure to elect *officers and* directors, shall not operate the dissolution of the corporation, but the directors *and officers last elected* shall remain in office until their successors are elected, ~~as~~ as may be provided in the by-laws of the corporation. ~~C. S. C. c. 72, s. 12.~~ 20

May make by-laws. **9.** The directors may make by-laws or rules for the safety and use of the library and reading room, and for the management of classes in such subjects as may be prescribed by the Education Department, and for regulating all other matters and things whatever connected with the proper business of a Mechanics' Institute or Art School, and for the management of the property of the corporation; and the directors may impose penalties for breaches of the by-laws or rules not exceeding four dollars for any offence, and may from time to time repeal, alter, vary or re-enact any such by-laws or notices, but any such by-laws or rules shall not be binding upon the members of such corporation, unless and until approved by a majority of those present at a meeting called for such purpose. (*New*). 25 30 35

Minutes to be kept. **10.** A minute of all the proceedings of the directors, shall be entered in a book or books to be kept for that purpose, and shall be signed by the president or chairman for the time being, and such minutes so signed, shall be deemed to be original minutes, and such book or books, may be produced and read as evidence of the proceedings of such directors upon any judicial proceedings whatever. 40

Use of same. **11.** It shall be lawful for the directors to exercise all the powers of the corporation, to act on its behalf and in its name and use its seal, subject always to such by-laws as may have been approved by the members thereof, *as provided in section 9 of this Act.* C. S. C. c. 72, s. 4, *amended.* 45

Powers. **12.** The funds and property of every Mechanics' Institute or Art School shall be appropriated and used for purposes 50

legitimately appertaining to the business of Mechanics' Institutes or Art Schools, and for no other.

13.—(1) Any Mechanics' Institute or Art School duly incorporated, and situate in any city or in a town having three thousand 5 inhabitants or more, may hold real property not exceeding in annual value the sum of \$3,000. Power to hold lands in towns with 3,000 inhabitants and in cities.

(2) Any Mechanics' Institute or Art School duly incorporated, and situate in any town or village not having three 10 thousand inhabitants, may hold real property not exceeding in annual value the sum of \$1,000. Power as to lands in villages and in towns under 3,000.

(3) In cases not mentioned in the next preceding two sub-sections of this Act, the yearly value of real property to be held by any such Corporation shall never exceed \$400. Limits in other cases.

14. If it is provided in the declaration, or by the by-laws 15 of the Corporation, that the shares of the members, in the property of the Corporation, shall be transferable, then they shall be transferable accordingly, in the way and subject to the conditions mentioned in the declaration, or in the by-laws of the Corporation, if by such declaration such transfers are to 20 be regulated by them. When shares transferable.

15. All such shares shall be personal property, and by the declaration or by-laws provision may be made for the forfeiture of the shares in cases to be therein named, or for preventing the transfer thereof to others than persons of some 25 certain description, or resident within some certain locality. Shares to be personal property.

16. Where the directors of Mechanics' Institutes, fail or neglect to open the library to the public or to the members of such Institute for two years as required by the regulations of the Education Department, such failure or neglect shall 30 operate a dissolution of such corporation, and it shall be lawful for the Education Department through its proper officer to take possession of all the books, magazines and periodicals, in such library, and dispose of the same to the municipal corporation of the municipality in which such Mechanics' 35 Institute is situated, ~~upon~~ on such terms and conditions as may be agreed upon, but nothing herein contained shall be deemed to confer any authority or control over any real estate under the jurisdiction of said directors. Dissolution of Institute on failure to comply with regulations.

17. In case a resolution authorizing or recommending the 40 sale or conveyance by way of mortgage of any real estate belonging to any Mechanics' Institute or Art School, incorporated or lawfully acting under the provisions of this Act, is passed by two-thirds of the Directors of such Corporation, and is at any time within six months thereafter approved by a 45 vote of the majority of the members of such Corporation entitled to vote under its by-laws, present at an annual meeting, or at any general meeting duly called in accordance with the provisions of its said by-laws in respect of the calling of general meetings, the Directors may sell and convey such 50 real estate, or may convey the same by way of mortgage in security for any moneys borrowed for the purpose of the Corporation. (42 V. c. 29, s. 1.) Manner of authorizing sales and mortgages.

Purpose of meeting to be stated in notice calling same.

18. In the notice calling any annual or special meeting, at which it is proposed to submit for approval such a resolution, it shall be stated that a resolution authorizing or recommending the selling or mortgaging of such real estate will be submitted at the said meeting for approval; and such notice is to be given at least two weeks before the day of meeting. (42 V. c. 29, s. 2.) 5

Mode of executing conveyances.

19. Every conveyance, whether absolute or by way of mortgage, executed in pursuance of this Act, shall be executed by the President and Secretary of the Corporation, if the Corporation has under its by-laws a President and Secretary; or if the by-laws of the Corporation do not provide for the appointment of these officers, then by the majority of the *Directors*; and every such conveyance shall be under the Corporate Seal of the Corporation. (42 V. c. 29, s. 3.) 15

Recital *prima facie* evidence.

20. In case a conveyance executed under this Act recites the resolution of the *Directors*, and the proceedings taken with reference thereto, such recital shall be *prima facie* evidence of the passing of such resolution, and of the action taken in respect thereof. (42 V. c. 29, s. 4.) 20

Certain conveyances confirmed.

21. Every conveyance, either absolute or by way of mortgage, of any real estate of any Corporation incorporated under the *Revised Statute respecting Library Associations and Mechanics' Institutes*, chapter 168, or acting thereunder, heretofore made and executed by the President of the Corporation, or by the majority of the Trustees, acting under the authority of a resolution of a general meeting of the Corporation, or of a resolution of the Trustees, shall, if the consideration has been substantially applied for the purposes of the Corporation, be held to be valid and effectual. (42 V. c. 29, s. 5.) 30

Mechanics Institutes may transfer property to corporation of municipality for the purposes of the Free Libraries Act.

22.—(1) Any Mechanics' Institute in a municipality in which a Free Library has been established according to *The Free Libraries Act*, may, by agreement with the Board of Management referred to in section 3 of *The Free Libraries Act, 1882*, transfer to the Corporation of the municipality, for the purposes of the said *Free Libraries Act, 1882*, all or any property, real or personal, of the Institute; but any transfer which, but for this section, the Institute would not have authority to make, shall only be made in the manner provided by the said *Free Libraries Act, 1882*. 35

(2) In case the transfer is to be made on terms involving the assumption of any liability of the Institute, or the payment of any money in consideration of the transfer, the agreement shall not be binding unless approved of and consented to by by-law of the Municipal Council. (45 V. c. 22, s. 10.) 45

Conditions required for obtaining legislative grant.

23. It shall be the duty of the *Directors* of every Mechanics Institute, in order to be entitled to any portion of the appropriation made by the Legislative Assembly for Mechanics' Institutes: 50

1. To see that such Institute is incorporated according to the provisions of this Act or some former Act;

2. To establish a Library containing books on Mechanics, Manufactures, Agriculture, Horticulture, Philosophy, Science, 55

the Fine and Decorative Arts, History, Travels, Poetry, *Fiction* and Biography; or

3. To open a Reading-room; or

4. To organize Evening Classes for instruction in one or more of the three following courses, namely, an English Course, comprising the study of English and Canadian History, English Grammar and Composition; a Commercial Course, comprising the study of Book-keeping, Arithmetic and Writing; a Drawing Course, comprising the study of Freehand, Architectural and Mechanical Drawing;

5. To report before the 1st of May, in each year, to the Education Department, in such form as may be prescribed by the Minister of Education. (34 V. c. 23, ss. 6, 22; 36 V. c. 36, 15 ss. 6, 10, amended.)

24. The Education Department shall have power, in respect of the following matters : Powers of Education Department.

1. For the management and inspection of Mechanics' Institutes, Libraries, Reading-rooms and Evening Classes and Art Schools, and for the auditing of all accounts appertaining thereto.

2. For the payment of such inspection, either by the Public School Inspector or otherwise, a sum not exceeding \$10 for every Institute or Art School inspected

25.—(1) The appropriation annually made by the Legislative Assembly for Mechanics' Institutes, shall be distributed, subject to the regulations of the Education Department, as follows : Distribution of legislative grant.

(a) Every Mechanics' Institute with a membership of fifty persons, and contributing in annual subscriptions the sum of twenty-five dollars, shall receive twenty-five dollars annually.

(b) Every Mechanics' Institute with a membership of one hundred or over, and contributing in annual subscriptions not less than fifty dollars shall receive fifty dollars annually.

(c) In addition to the sums in the preceding sub-sections mentioned, every Mechanics' Institute shall receive for its Library the sum of one dollar for every dollar expended on books as provided by this Act, but so as not to exceed the sum of one hundred and fifty dollars for Library purposes: ~~and~~ provided that of the said sum of one hundred and fifty dollars expended for Library purposes not more than twenty per cent. thereof must be expended on works of fiction; ~~and~~ for its Reading-room the sum of one dollar for every dollar expended for newspapers, magazines or other periodicals, but so as not to exceed the sum of fifty dollars for Reading-room purposes; for Evening Classes the sum of two dollars for every pupil in any of the courses herein prescribed, but so as not to exceed ~~the~~ seventy-five dollars, or two dollars for every pupil in any of the courses herein prescribed, but so as not to exceed one hundred dollars ~~in~~ in all for Evening Classes. (*New.*)

(2) The amount of such local contribution shall be attested by the statutory declaration of the Treasurer or Secretary-Treasurer in such form as may be required by the Minister of Education.

26. The Association heretofore incorporated and known as the "Association of Mechanics' Institutes of Ontario," shall cease to be a body corporate on and after the thirtieth of September next, after the passing of this Act, and the Executive thereof may without any meeting of the Association order that all surplus moneys in the hands of the treasurer of such Association, after the payment of all debts and liabilities, shall be by him paid over to the credit of the Provincial Treasurer.

ART SCHOOLS.

Grant to Art Schools. 27. Every Art School incorporated under this or any other Act and complying with the regulations of the Education Department respecting the equipment, accommodation and teachers required for Art Schools, shall be entitled to receive out of any moneys appropriated by the Legislative Assembly for Art purposes a fixed grant of four hundred dollars, and such additional sums for proficiency in art studies as may be determined by the regulations of the Education Department respecting final examinations. (*New*)

THE SOCIETY OF ARTISTS.

Society of Artists. 28. The Society now existing and known as the "Ontario Society of Artists," may organize and form themselves into a Society comprising not less than twenty-five members, and paying an annual subscription of not less than five dollars each, to be known as "The Ontario Society of Artists," and shall have power to adopt a constitution and make by-laws for the admission of members and for its guidance and proper management, and for the conduct and management of the Canadian Art Union and the promotion of any objects consistent with the study of Art and its practical bearing upon the interests of the Province of Ontario, and not inconsistent with the laws of the Province; and on filing a copy of such constitution and by-laws with the Minister of Education, such Society shall become a body corporate under this Act. (43 V. c. 5, s. 1.)

Grant of not less than \$500. 29. Such Society, so long as the number of its *bona fide* members is not less than twenty-five, shall be entitled to receive from such moneys as may be appropriated by the Legislative Assembly for that purpose the sum of five hundred dollars.

Annual meeting. 30. The said Society shall hold an annual meeting in each year, at such time and place as the said Society may appoint, not being later than the thirtieth day of September, and the retiring officers shall at such meeting present a full report of their proceedings and of the proceedings of the Society, and a detailed statement of its receipts and expenditure for the previous year; and the Society shall at such meeting elect a President, a Vice-President, and such other officers as the

Election of officers.

constitution and by-laws of the Society may provide to be elected, and the Society shall also elect two Auditors.

31. A copy of the annual report of its proceedings, and a statement of receipts and expenditure, and a list of the officers elected, and also a report of such information as the Society may have been able to obtain on the progress of Art in the Province, shall be sent to the Minister of Education within forty days after the holding of such annual meeting. (43 V. c. 5, s. 1.) Report to Minister of Education.

10 **32.**—(1) Every Regulation or Order in Council made under this Act or under the Public and High Schools Acts, shall be laid before the Legislative Assembly forthwith if the Legislature is in session at the date of such Regulation or Order in Council, and if the Legislature is not in session such Regulation or Order in Council shall be laid before the said House within the first seven days of the session next after such Regulation or Order in Council is made. Regulations and Orders in Council to be laid before Legislative Assembly.

20 (2) In case the Legislative Assembly at the said session, or if the session does not continue for three weeks after the said Regulation or Order in Council is laid before the House, then at the ensuing session of the Legislature, disapproves by resolution of such Regulation or Order in Council either wholly or of any part thereof, the Regulation or Order in Council, so far as disapproved of, shall have no effect from the time of such resolution being passed.

25 **33.** This Act *excepting the first five sections thereof* shall apply to all Mechanics' Institutes or Art Schools receiving aid from this Legislature, and all Acts or parts of Acts inconsistent with this Act are hereby repealed. Application of Act.

SCHEDULE A.

(See Section 2.)

We, the subscribers hereto, hereby agree to establish (a *Mechanic's Institute, Reading-room, Evening Classes or Art School, as the case may be*) in the municipality of _____, and we further agree that the name of the Corporation shall be the _____ Mechanics' Institute or Art School, and we do hereby apply under section 2 of *The Act respecting Mechanics' Institutes and Art Schools* for incorporation. (Then follow the names and descriptions of the applicants.)

No. 75.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting Mechanics' Institutes
and Art Schools.

*(Reprinted as amended by Committee of
the Whole House.*

First Reading, 17th February, 1886.
Second " 9th March, 1886.

Mr. ROSS,
(*Middlesex.*)

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 76.]

BILL.

[1886.

An Act to extend the operation of the Land Titles
Act 1885, to the County of Carleton.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :

1. *The Land Titles Act, 1885*, shall extend to, and be in opera- 48 V. c. 22,
5 tion in the County of Carleton (including the City of Ottawa, extended to
on and after the first day of July 1886. County of
Carleton.

2. The local referee appointed by the Judges of the High Court Examiner of
of Justice, under *The Quieting Titles Act*, shall have jurisdic- titles.
tion to examine titles, and report on the same in the said
10 county.

No. 76.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to extend the Land Titles Act, 1885,
to the County of Carleton.

First Reading, 15th February, 1886.

Mr. MONK.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to amend the Act to Impose a Tax on Dogs,
and for the Protection of Sheep.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 1 of *The Act to Impose a Tax on Dogs, and for the Protection of Sheep*, chapter 194, of the Revised Statutes of Ontario, is hereby repealed, and the following is substituted therefor :

1. There shall be levied, annually, in every municipality in Ontario, a tax of \$1 for each dog, and \$2 for each bitch, and the owner thereof shall in addition procure an annual tag, to be furnished by the municipality, which tag he shall be compelled to attach to the collar of each dog or bitch.

2. Every municipality upon payment of the tax for any dog or bitch, shall annually furnish the person paying such tax with a suitable tag of such shape and device as may be decided upon by the municipality.

3. Section 2 of the said Act is hereby repealed.

Section 2,
repealed.

4. Section 3 of the said Act is hereby amended by striking out all the words between the word "Municipality" in the first line, and the word "shall" in the third line, and by adding the following to the end of said section :

"And the corresponding number of the municipal tag."

5. Sections 8 and 9 of the said Act are hereby repealed, and the following substituted in lieu thereof :

Sections 8 and
9, repealed.

8. Any person or persons owning or harboring any dog or dogs, after the first day of May, in each year, without a collar bearing a municipal tag, shall be liable to a fine of \$5 and costs, on complaint being laid before any police magistrate or justice of the peace having jurisdiction. The informer shall receive half of said fine; and in default of payment by the person or persons so convicted, he or they shall be imprisoned in the common gaol for a term of not less than fifteen days, nor more than thirty days.

9. All dogs attaining the age of four months shall be liable to be taxed under the provisions of this Act.

Dogs liable to
tax.

Section 10,
amended.

6. Section 10 of the said Act is hereby amended by inserting the words "or dogs" after the word "dog," in the first line, and by adding the following sub-section thereto :

2. Every owner or keeper of dogs shall be compelled to have his dog or dogs securely fastened up at night, and every dog not being in company with his owner or keeper, and found running at large at night, with or without a municipal tag attached, shall be liable to be either destroyed, or his owner or keeper fined, it being optional to destroy the dog or to lay a complaint. The complaint may be laid before any police magistrate or justice of the peace having jurisdiction, and the penalty for the first offence shall be \$5, and for the second or any subsequent offence \$10.

No. 77.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to Impose a Tax on Dogs, and for the Protection of Sheep.

First Reading, 15th February, 1886.

MR. CLANCY.

TORONTO :

PRINTED BY WATKINS & SONS, 26 AND 28 FRONT ST. W.

No. 78.]

BILL.

[1886.

An Act to amend the Franchise and Representation
Act 1885.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :

1. Section 3, clause Fifthly, of *The Franchise and Represen-* 48 V. c. 2, s. 3,
5 *tation Act, 1885*, is hereby amended by adding the following "Fifthly,"
sub-section thereto : amended.

(3) The time spent by landholders' sons as mariners, or fisher-
men, in the prosecution of their several occupations, or as stu-
dents in any institution of learning, within the Province of
10 Ontario, shall be considered as spent at home.

No. 78.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Franchise and Representation Act, 1885.

First Reading, 15th February, 1886.

Mr. BALFOUR.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Franchise and Representation
Act 1885.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Sub-section 6 of section 2 of *The Election Act*, as amend- R. S. O. c. 10,
5 ed by section 2 of *The Franchise and Representation Act*, s. 2, sub-s. 6 ;
1885, is hereby repealed and the following substituted instead amended.
thereof :

(6). The expression “ wage-earner ” shall mean any person Wage-earner.
entitled to be entered in the last revised assessment roll of a
10 city, town, incorporated village or township, as being a wage-
earner, within the meaning of *The Assessment Act*, or of any
Act amending the same.

2. Section 7 of *The Election Act*, as amended and enacted by R. S. O. c. 10,
The Franchise and Representation Act, 1885, is hereby further s. 7; 48 V. c. 2,
15 amended as follows : s. 3, amended.

1. By omitting from the paragraph and provision therein
designated *secondly* the words “ local municipality,” and insert-
ing instead thereof the words “ electoral district ;”

2. By omitting from the paragraph and provision therein
20 designated *thirdly* the words “ local municipality,” and insert-
ing instead thereof the words “ electoral district ;”

3. By omitting from the paragraph and provision therein
designated *fourthly* the words “ said municipality,” and insert-
ing instead thereof the words “ electoral district in which he
25 tenders his vote ;”

4. By omitting from the paragraph and provision therein
designated *fifthly* the words “ local municipality,” and inserting
instead thereof the words “ electoral district ;” and by adding
at the end of said paragraph and provision so designated *fifthly*
30 the words following, that is to say :

The time spent by any such landholder's son as a mariner or
fisherman, in the prosecution of his occupation, or as a student
in any institution of learning situate within the Province of
Ontario, shall be considered as spent at home, and as having,
35 for the purposes of this Act, been spent and passed with and
in the residence as aforesaid of the landholder whose son he is.

3. Section 58 of *The Election Act* is hereby amended by R. S. O. c. 10,
adding thereto the following as a sub-section thereof : s. 58, amended.

(2). Any voter entitled to vote within a city or town shall,
40 on the day of polling, for the purpose of voting, be entitled to

absent himself from any service or employment in which he is then engaged or employed, from the hour of noon in the day-time until the hour of two of the clock next thereafter, and such voter shall not, because of his so absenting himself, be liable to any penalty, or suffer or incur any reduction from the wages or compensation to which but for such absence he would have been entitled: provided, that if so required by the person in whose service or employment such voter is so engaged or employed, every such voter so absenting himself shall, at some other time during the same or the following week employ himself in and about such service or employment for one hour more than the hours of the usual and ordinary day's work or service otherwise required to be performed by him: provided, moreover, that this sub-section shall not apply where any such voter is by his employer or master permitted or allowed at any other period during the hours of polling, reasonable and sufficient time and opportunity to vote.

Forms of
oaths.

4. Instead of the forms of oaths or affirmations numbered 19 and 20 in Schedule A to *The election Act*, as amended and provided by section 6 of *The Franchise and Representation Act, 1885*, the forms of oaths or affirmations appended to this Act and numbered 19 and 20 are respectively substituted and shall be used.

48 V. c. 2, s. 9,
repealed.

5. Section 9 of *The Franchise and Representation Act, 1885* is hereby repealed.

48 V. c. 2 to be
construed as if
passed as
hereby
amended.

6. The amendments by this Act made shall be read and construed as forming part of and being contained in *The Franchise and Representation Act, 1885*, at the time of the passing thereof.

SCHEDULE.

FORM 19.

(Referred to in R. S. O. c. 10, Section 91.)

ORDINARY FORM OF OATH OF PERSON VOTING IN RESPECT OF INCOME, OR AS A WAGE EARNER.

You swear (1) that you are the person named or purporting to be named by the name of _____ on the list of voters now shewn to you; (2) That on the (3) _____ day of _____ 18 _____ you were, and thenceforward have been continuously and still are a resident of this Electoral District and are entitled to vote at this election;

That at the said date, and for twelve months previously, you were from your trade, occupation, office, calling or profession, in receipt of an income or wages amounting to a sum not less than \$250; (4)

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty either by birth or naturalization;

That you have not voted before at this election, either at this or any other polling place;

That you have not received anything, nor has anything been promised to you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting at this election;

So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm*."

(2) The Deputy Returning officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath, is the day certified by the clerk of the municipality to be the DATE OF THE FINAL REVISION and correction of the assessment roll upon which the voters' list used at the election is based for the municipality.

(4) If the municipality in which the voter is voting is a township there must be added at the end of this clause of the oath the words following:—"Estimating as part of said income or wages the fair value of any board or lodging had, given to or received by me during the said twelve months as or in lieu of wages."

NOTE.—In the oath administered to a Deputy Returning officer, poll clerk or agent VOTING UPON A CERTIFICATE issued under section 87, for "*on the list of voters now shewn to you*" substitute "*on the list of voters for the municipality of*," naming the municipality mentioned in the certificate.

FORM 20.

(Referred to in R. S. O. c 10, Section 91.)

FORM OF OATH FOR A LANDHOLDER'S SON.

You swear (1) that you are the person named or purporting to be named by the name of _____ on the list of voters now shewn to you; (2)

That on the (3) _____ day of _____ 18____, A. B. (4) was, as you verily believe actually, truly, and in good faith possessed to his (5) own use as owner, tenant or occupant of the property in respect of which your name is so as aforesaid entered on the said voters' list, and was then actually and in good faith residing and domiciled upon said property;

That you are a son (6) of the said A. B.; (4)

That you resided within this municipality with the said A. B., for and during the whole of the twelve months next before the return by the assessor of the assessment roll on which the voters' list used at this election is based, not having been absent during that period, except temporarily and not more than six months in all, and except and save for and during such further time (if any) as was spent by you either in the occupation of a mariner or fisherman, or as a student of some institution of learning situate within this Province;

That you are still a resident of this Electoral District, and are entitled to vote at this election;

That you are of the full age of twenty-one years;

That you are a subject of Her Majesty, either by birth or naturalization;

That you have not voted before at this election, either at this or any other polling place;

That you have not received anything, nor has anything been promised you, either directly or indirectly, either to induce you to vote at this election, or for loss of time, travelling expenses, hire of team, or any other service connected therewith;

And that you have not directly, or indirectly, paid or promised anything to any person, either to induce him to vote, or to refrain from voting, at this election;

So help you God.

(1) If the voter is a person who may by law affirm, then for "*swear*" substitute "*solemnly affirm*."

(2) The Deputy Returning Officer should hereupon shew the voters' list to the voter.

(3) The date to be here inserted in administering the oath is the day certified by the clerk of the municipality to be the date of the RETURN by the assessor of the assessment roll upon which the voters' list used at the election is based.

(4) The name of the voter's father, or step-father, or mother or step-mother, should be inserted here.

(5) If the name of the voter's mother is inserted, then for "*his*" substitute "*her*."

(6) If the voter is voting as a "*step-son*," or "*grandson*," or "*son-in-law*," then for the word "*son*," substitute the word "*step-son*," or "*grandson*," or "*son-in-law*," as the case may be.

NOTE.—In the oath administered to a Deputy Returning Officer, poll-clerk, or agent VOTING UPON A CERTIFICATE issued under section 87, for "*on the list of voters now shewn to you*," substitute "*on the list of voters for the municipality of*," naming the municipality mentioned in the certificate.

No 78.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Franchise and Representation Act, 1885.

(Reprinted as amended by Select Committee.)

First Reading,	15th February,	1886.
Second	" 22nd "	1886.

MT. BALFOUR

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Village of London West.

WHEREAS the Municipal Council of the Corporation of the Village of London West, have by their petition represented that the said Corporation is indebted in the sum of \$10,000 for breakwater debentures, and in the sum of \$4,000 upon school debentures, maturing during the current year, and is also otherwise indebted to the amount of \$5,730, upon a floating debt, incurred chiefly on account of extraordinary expenditure caused by the floods of 1883, and the early payment of such school debentures and floating indebtedness, in addition to the ordinary expenditure of the said village, would be oppressive to the ratepayers, and have therefore prayed that the said corporation be authorized to consolidate the said indebtedness, other than for the breakwater debentures, and issue debentures for the purpose of meeting and paying off said school debentures and floating indebtedness ;

And whereas the said council have by their said petition, represented that the collection of taxes at the times provided by *The Assessment Act*, is difficult and impracticable, and has caused great hardship to many ratepayers of the said village, who are chiefly mechanics and labourers, and that it would be practicable and more convenient, to provide that the assessment be made and revised between the 1st day of June and the 30th day of November, and that the collection of taxes upon the assessment roll of the preceding year, be made between the first days of April and September in each year, and have prayed that the assessment and collection of taxes in the said village may be so authorized ;

And whereas the said council have by their said petition set forth, that the said village lies between the City of London and the Township of London, and that the residents of adjacent land of the said township, practically depend upon the said village for all municipal improvements, and for school and other conveniences, and the value and utility of the said land is dependent upon the municipal improvements made, or to be made, by the said corporation, and that the said adjacent portion of the township from the proximity of streets and buildings, and the future exigencies of the said village should form part thereof, and have prayed that the limits of the said village be extended, to include all that part of the Township of London lying north and west of the said village and east of lots twenty on the first and second concessions of the said township, and south of the third concession of the said township, and west of the River Thames ; and that all local improvements, works and services in the said village shall hereafter be done, as provided by sections 612 to 624 of *The Consolidated Municipal Act, 1883*, and amendments thereto ;

And whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

5

Authority to borrow.

1. For the purpose of providing funds to meet and pay the said indebtedness, for school debentures of \$4,000 and the floating debt of \$5,730, it shall be lawful for the said Corporation of the Village of London West, to raise by way of loan upon the credit of the debentures hereinafter mentioned, and by this Act authorized to be issued from any person or persons, body or bodies corporate either in this Province, or elsewhere, who may be willing to lend the same a sum of money not exceeding \$10,000. 10

Authority to pass by-laws for loan of \$10,000.

2. The said corporation may pass a by-law authorizing said loan of \$10,000, and the issuing of debentures therefor. 15

Assent of electors to by-laws not required.

3. The by-law provided for by this Act shall not require to be submitted for, and to receive the assent of the electors, of the said village, for the final passing thereof, but the other provisions of *The Consolidated Municipal Act, 1883*, shall apply thereto. 20

Application of moneys.

4. The moneys to be borrowed, as aforesaid, shall be applied by the said corporation, in payment of the said school debentures debt, and the floating debt mentioned in the preamble to this Act. 25

Irregularities not to render debentures invalid.

5. No irregularity in the form of the said debentures, or of the by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof; and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures, or the application of the proceeds thereof. 30

Time of assessment.

6. The assessment of the said village, shall be commenced by the assessors not later than the 1st day of June and shall be completed by them, on or before the 1st day of September, and the assessment roll of the said village, shall be finally revised by the Court of Revision before the 1st day of November, and the time for the final return by the Judge of the County Court, shall be the 30th day of November and, upon the assessment so made and concluded the rate of taxation for the following year shall be levied in the said village, and such assessment, and such revised assessment roll, shall be the assessment and roll for that year, for all other purposes required by the provisions of *The Assessment Act*, which Act, shall, in all other respects govern the assessment of the said village. 35 40 45

Date of submission of school estimates.

7. The Board of Public School trustees, of the said village, shall on or before the 1st day of March; prepare and lay before the municipal council the estimates required by section 114 of *The Public School Act, 1885*, instead of on or before the 1st day of August. 50

8. The collector's roll shall be delivered by the clerk to the collector on or before the 1st day of April, and the collector shall return his roll on or before the 14th day of July, or on such day not later than the 1st day of September, as the council of the said village shall appoint, and as to the said village *The Assessment Act* is hereby amended in respect of the times and dates herein named in substitution for those named in the said Act but not otherwise. Time for delivery and return of collector's roll.
9. The limits of the said Village of London West, are hereby extended; and shall hereafter comprise all that part of the Township of London lying north and west of the present limits, and east of lot twenty in the first and second concessions, and south of the third concession of the Township of London, in the County of Middlesex; and the boundaries of the said village, shall hereafter be on the east and south of the River Thames; on the north by the road south of the third concession of the Township of London; and on the west by the eastern limits of lots twenty in the first and second concessions of the said Township of London. Limits extended.
10. The said extension of the limits of the said village, shall be subject to all provisions of *The Consolidated Municipal Act, 1883*, and amendments thereto, and *The Public School Act, 1885*, and all other Statutes of Ontario in all respects, and as to all matters arising out of such extension except as hereinafter provided. Extension to be subject to Municipal and other Acts.
11. The said extension of the limits of the said village, shall not in any way prejudice the vested rights in burial-grounds of the Mount Pleasant Cemetery Company, and of the Presbyterian Church, and no by-law of the said village, made, or to be made, shall prevent the interment of the dead within the said burial-grounds. Vested rights in burial grounds not affected.
12. Notwithstanding anything contained in *The Assessment Act*, all or any vacant grounds within the territory added to the village by this Act, shall be assessed as though it were held for farming or gardening purposes so long as the same shall remain vacant, or be used only as farm, garden, or nursery. Assessment of vacant lands.
13. All local improvements, works and services in the said village, shall hereafter be done by special frontage rate, as provided by sections 612 to 624 of *The Consolidated Municipal Act, 1883*, and amendments thereto, unless such improvements, works or services, shall be authorized by a by-law which has received the same assent of the ratepayers as is required for creating a debt, but nothing herein contained shall apply to the expenditure, for breakwaters of the balance of the \$10,000 borrowed for that purpose by the said corporation. Local improvements.

No. 79.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting the Village of London
West.

First Reading,	1886.
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(Private Bill.)

MR. MACKENZIE.

TORONTO:

PRINTED BY WARWICK & SONS, 6 AND 28 FRONT ST. W.

An Act respecting the Village of London West.

WHEREAS the Municipal Council of the Corporation of the Village of London West, have by their petition represented that the said Corporation is indebted in the sum of \$10,000 for breakwater debentures, and in the sum of \$4,000 upon school debentures, maturing during the current year, and is also otherwise indebted to the amount of \$5,730, upon a floating debt, incurred chiefly on account of extraordinary expenditure caused by the floods of 1883, and the early payment of such school debentures and floating indebtedness, in addition to the ordinary expenditure of the said village, would be oppressive to the ratepayers, and have therefore prayed that the said corporation be authorized to consolidate the said indebtedness, other than for the breakwater debentures, and issue debentures for the purpose of meeting and paying off said school debentures and floating indebtedness; and whereas it is expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

20 **1.** For the purpose of providing funds to meet and pay the said indebtedness, for school debentures of \$4,000 and the floating debt of \$5,730, it shall be lawful for the said Corporation of the Village of London West, to raise by way of loan upon the credit of the debentures hereinafter mentioned, and by this Act
25 authorized to be issued from any person or persons, body or bodies corporate either in this Province, or elsewhere, who may be willing to lend the same a sum of money not exceeding \$10,000.

Authority to borrow.

30 **2.** The said corporation may pass a by-law authorizing said loan of \$10,000, and the issuing of debentures therefor.

Authority to pass by-laws for loan of \$10,000.

35 **3.** The by-law provided for by this Act shall not require to be submitted for, and to receive the assent of the electors, of the said village, for the final passing thereof, but the other provisions of *The Consolidated Municipal Act, 1883*, shall apply thereto.

Assent of electors to by-law not required.

4. The moneys to be borrowed, as aforesaid, shall be applied by the said corporation, in payment of the said school debentures debt, and the floating debt mentioned in the preamble to this Act, *and not otherwise*.

Application of money.

Irregularities
not to render
debentures
invalid.

5. No irregularity in the form of the said debentures, or of the by-law authorizing the issue thereof, shall render the same invalid, or be allowed as a defence to any action brought against the said corporation for the recovery of the amount of the said debentures and interest, or any or either of them, or any part thereof; and the purchaser or holder thereof shall not be bound to inquire as to the necessity of passing such by-law or issue of debentures, or the application of the proceeds thereof. 5

No. 79.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Village of London West.

(Reprinted as amended by Private Bills Committee.)

First Reading, 22nd February, 1886.

(Private Bill.)

MR. MACKENZIE.

TORONTO:

PRINTED BY WALKER & SONS, 26 AND 28 FRONT ST. W.

An Act Respecting Building Societies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:

1. This Act may be cited as "*The Building Societies Act*," Short title.
5 1886."

2. The directors of any building, savings society, or loan company, incorporated under chapter 164 of the Revised Statutes of Ontario, or any statute incorporated therewith, may issue debenture stock, which debenture stock shall be treated
10 and considered as a part of the regular debenture debts of the society, and may be issued in such amounts and manner, on such terms and bearing such rate of interest, and in such currency as the directors, from time to time, think proper and convenient, but subject to the limitations, as to borrowing pro-
15 vided by law, so that the amount received as money deposits and borrowed on the security of debentures, or debenture stock, shall not, in the whole exceed the aggregate amounts fixed by section 3, of chapter 29, of the Acts passed in the 47th year of Her Majesty's reign, as the authorized limit of the borrow-
20 ing powers of the society.

Issue of debenture stock authorized,

3. The debenture stock aforesaid, shall be entered by the society in a register to be kept for that purpose, wherein they shall set forth the names and addresses of the several persons and corporations, from time to time entitled thereto, with the
25 respective amounts of said stock to which they are respectively entitled; and the register shall be accessible for inspection and perusal, at all reasonable times, to every holder of debenture stock.

Register of holders of debenture stock.

4. The society shall deliver to every holder aforesaid, a certificate stating the amount of debenture stock held by him and the rate of interest payable thereon; but no other rights or
30 privileges shall be conferred on holders of debenture stock, in respect thereof, than are held or enjoyed by holders of debentures of the society.

Rights of holders of debenture stock.

5. All transfers of the debenture stock of the society shall be registered at the head office of the society and not elsewhere, but the said transfers may be left with such agent or agents in Great Britain or any foreign country, as the directors of the society may appoint for that purpose, for transmission to the head office of the society for registration.

Transfers.

Exchange of
debentures for
debenture
stock.

6. The holders of the debentures of the society may, with the consent of the directors, at any time, exchange such debentures for debenture stock.

Debenture
stock to rank
with debentures.

7. The debenture stock issued, or to be issued, under the authority of this Act, shall rank equally with the debentures issued or to be issued by the society. 5

Right of
society to buy
up and cancel
debenture
stock.

8. Any society having issued debenture stock, may from time to time, as they think fit, and for the interest of the society, buy up and cancel the said stock, or any portion thereof. 10

No. 80.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting Building Societies.

First Reading, 16th February, 1886.

Mr. GIBSON.
(*Hamilton.*)

TORONTO:

PRINTED BY WANWICK & SONS, 26 AND 28 FRONT ST. W.

An Act Respecting Building Societies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Building Societies Act*, Short title.
5 1886."

2. The directors of any building, savings society, or loan company, incorporated under chapter 164 of the Revised Statutes of Ontario, or any statute incorporated therewith, may issue debenture stock, which debenture stock shall be treated
10 and considered as a part of the regular debenture debts of the society, and may be issued in such amounts and manner, on such terms and bearing such rate of interest, and in such currency as the directors, from time to time, think proper and convenient, but subject to the limitations, as to borrowing pro-
15 vided by law, so that the amount received as money deposits and borrowed on the security of debentures, or debenture stock, shall not, in the whole exceed the aggregate amounts fixed by section 3, of chapter 29, of the Acts passed in the 47th year of Her Majesty's reign, as the authorized limit of the borrow-
20 ing powers of the society.

Issue of debenture stock authorized,

3. The debenture stock aforesaid, shall be entered by the society in a register to be kept for that purpose, wherein they shall set forth the names and addresses of the several persons and corporations, from time to time entitled thereto, with the
25 respective amounts of said stock to which they are respectively entitled; *which* register shall be accessible for inspection and perusal, at all reasonable times, to every holder of debenture stock, and such stock shall be transferable in such amounts and in such manner as the directors may determine.

Register of holders of debenture stock.

30 4. The society shall deliver to every holder aforesaid, a certificate stating the amount of debenture stock held by him and the rate of interest payable thereon, and the terms and conditions to which the said stock is subject; but no other rights or privileges shall be conferred on holders of debenture
35 stock, in respect thereof, than are held or enjoyed by holders of debentures of the society.

Rights of holders of debenture stock.

5. All transfers of the debenture stock of the society shall be registered at the head office of the society and not elsewhere,
40 but the said transfers may be left with such agent or agents in Great Britain or any foreign country, as the directors of the

Transfers.

society may appoint for that purpose, for transmission to the head office of the society for registration.

Exchange of debentures for debenture stock.

6. The holders of the debentures of the society may, with the consent of the directors, at any time, exchange such debentures for debenture stock.

5

Debenture stock to rank with debentures.

7. The debenture stock issued, or to be issued, under the authority of this Act, shall rank equally with the debentures issued or to be issued by the society.

Right of society to buy up and cancel debenture stock.

8. Any society having issued debenture stock, may from time to time, as they think fit, and for the interest of the society, buy up and cancel the said stock, or any portion thereof.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting Building Societies.

(Reprinted as amended by Select Committee.)

First Reading, 16th February, 1886.
Second " 10th March, 1886.

Mr. GIBSON,
(*Hanilton.*)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Municipal Act in Respect to
Local Improvements.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:

1. Section 620 of *The Consolidated Municipal Act, 1883*, is 46 V. c. 18, s.
5 hereby amended, by adding thereto the following sub-section: 620, amended.

- (4) The said Council shall also have power to provide by
by-law that whenever any street, part of a street or sidewalk,
requires to be re-made, rebuilt, or repaired, the Engineer,
Commissioner, Inspector or other official having charge of the
10 public works of the municipality may notify the owner, agent
or occupant of any lot in front of, or adjacent to which such street
or walk is required to be re-made, rebuilt or repaired, to re-
make, rebuild or repair the same, and if such agent, owner or
occupant shall neglect for a time, to be specified in the by-law,
15 to do such re-making, rebuilding or repairing, it shall be the
duty of such official to at once do, or cause the same to be
done, and the expense thereof shall be a lien upon the lot,
to be assessed thereon, and collected in a manner to be
prescribed in such by-law; and the said Council shall also have
20 power to provide, as aforesaid, that the owner, agent or occu-
pant so neglecting to rebuild or repair, shall be liable to the
municipality for all damages which shall be recovered against
the municipality for any accident or injuries occurring by
reason of such neglect.

No. 81.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Municipal Act in respect to Local Improvements.

First Reading, 17th February, 1886.

M. HERMANN.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act respecting Free Grants and Homesteads to
Actual Settlers on Public Lands in the District of
Rainy River.

WHEREAS under instructions from the Department Preamble.
of the Interior of Canada, certain townships have been
surveyed in the Rainy River District, the lots immediately
upon the bank of Rainy River having a width of ten chains
5 fronting the river and a varying depth, and the remaining
lands so surveyed being subdivided into sections of one mile
square, and quarter sections of one hundred and sixty acres,
with road allowances around each section; and whereas a
number of settlers have gone into occupation of the lands so
10 surveyed, and it is expedient to adopt said surveys and other-
wise provide for the settlement of the lands in question;

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:

15 **1.** This Act may be cited as "*The Rainy River Free Grants* Short title.
and *Homesteads Act 1886.*"

2. The said surveys are hereby adopted and legalized, and Former sur-
veys adopted.
the Department of Crown Lands is authorized to continue such
system of survey within the District of Rainy River, so far as
20 may be deemed expedient.

3. The Lieutenant-Governor in Council may appropriate Appropriation
of lands for
settlement.
any lands in the Rainy River District considered suitable for
settlement and cultivation, and not being mineral lands or pine
timber lands, as free grants to actual settlers, under such regu-
25 lations as shall from time to time be made by Order in Council
not inconsistent with the provisions of this Act.

4. *The Free Grants and Homesteads Act*, and the amend- Application of
R. S. O. c. 24,
to this Act.
ments thereto, saving and excepting as is hereinafter provided,
and so far as the same are not inconsistent with the pro-
30 visions of this Act, shall apply to lands opened for settlement
under this Act.

1. The male, or sole female, head of a family with children Free grants to
heads of
families.
under eighteen years of age residing with him, or her, may be
located for a free grant to the extent of one hundred and sixty
35 acres.

2 A male of the age of eighteen years, without children, Free grants to
males 18 years
of age.
may be located for a free grant to the extent of eighty acres.

3. In addition to location each head of a family having Purchase of
locations for
children.
children under eighteen years of age residing with him, or her,

may purchase at the time of location an adjoining eighty acres, at one dollar per acre, payable one-fourth cash and the balance in three equal annual instalments with interest.

Purchase of locations by males 18 years of age.

4. A male of the age of eighteen years, without children, entitled to locate, may purchase at the time of location an adjoining eighty acres, at one dollar per acre, payable one-fourth cash, and the balance in three equal annual instalments with interest. 5

Issue of patents.

5. Patents for lands located and purchased under this Act may issue at the expiration of three years from the date of 10 location and purchase.

Sale to person who has made improvements.

6. Where a person has, previous to the passing of this Act, made substantial improvements on two or more adjoining lots, and said lots contain more land than the person is entitled under this Act to locate and purchase, the Commissioner of 15 Crown Lands may sell to such person such additional quantity of land at one dollar per acre as may, under the circumstances, seem just and equitable.

Issue of patents to persons having made improvements.

7. In case any person has occupied and made the required improvements upon one or more lots of land before the passing 20 of this Act, the Commissioner of Crown Lands may, after location and purchase as hereinbefore provided, issue the patent therefor without waiting for the expiration of three years.

Reservation of pine trees, mines and minerals.

8. All pine trees growing or being upon any lands located or purchased under this Act, and all gold, silver, copper, lead, 25 iron or other mines, or minerals, shall be considered as reserved from said location, or purchase, and shall be the property of Her Majesty, except that the locatee, or those claiming under him, may cut and use such trees as may be necessary for the purpose of building, fencing and fuel, on the land so located 30 or purchased, and may also cut and dispose of all trees required to be removed, in actually clearing said land for cultivation, but no pine trees (except for the necessary building, fencing, and fuel as aforesaid) shall be cut beyond the limit of such actual clearing before the issuing of the patent; and all pine 35 trees so cut and disposed of (except for the necessary building, fencing and fuel as aforesaid) shall be subject to the payment of the same dues as are at the the time payable by the holders of licenses to cut timber or saw logs.

Trees to pass to patentee.

9. All trees remaining on the land at the time the said 40 patent issues shall pass to the patentee.

Commencement of this Act.

5. This Act shall not go into force until a day to be named by the Lieutenant-Governor by his proclamation.

No. 82.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting Free Grants and Homesteads to Actual Settlers on Public Lands in the District of Rainy River.

First Reading, 17th February, 1886.

Mr. PARDEE.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting Free Grants and Homesteads to Actual Settlers on Public Lands in the District of Rainy River.

WHEREAS under instructions from the Department of the Interior of Canada, certain townships have been surveyed in the Rainy River District, the lots immediately upon the bank of Rainy River having a width of ten chains 5 fronting the river and a varying depth, and the remaining lands so surveyed being subdivided into sections of one mile square, and quarter sections of one hundred and sixty acres, with road allowances around each section; and whereas a number of settlers have gone into occupation of the lands so 10 surveyed, and it is expedient to adopt said surveys and otherwise provide for the settlement of the lands in question;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

15 **1.** This Act may be cited as "*The Rainy River Free Grants and Homesteads Act 1886.*" Short title.

2. The said surveys are hereby adopted and legalized, and the Department of Crown Lands is authorized to continue such 20 system of survey within the District of Rainy River, so far as may be deemed expedient. Former surveys adopted.

3. The Lieutenant-Governor in Council may appropriate any lands in the Rainy River District considered suitable for settlement and cultivation, and not being mineral lands or pine 25 timber lands, as free grants to actual settlers, under such regulations as shall from time to time be made by Order in Council not inconsistent with the provisions of this Act. Appropriation of lands for settlement.

4. *The Free Grants and Homesteads Act*, and the amendments thereto, saving and excepting as is hereinafter provided, and so far as the same are not inconsistent with the pro- 30 visions of this Act, shall apply to lands opened for settlement under this Act. Application of R. S. O. c. 24, to this Act.

1. The male, or sole female, head of a family with children under eighteen years of age residing with him, or her, may be located for a free grant to the extent of one hundred and sixty 35 acres, or a quarter section. Free grants to heads of families.

2. A male of the age of eighteen years, without children, may be located for a free grant to the extent of one hundred and twenty acres, or a half quarter section, together with an adjoining quarter quarter section. Free grants to males 18 years of age.

Purchase of
locations for
children.

3. In addition to location each head of a family having children under eighteen years of age residing with him, or her, may purchase at the time of location an adjoining *half quarter section*, or eighty acres at \$1 per acre, payable one-fourth cash and the balance in three equal annual instalments with interest. 5

Purchase of
locations by
males 18 years
of age.

4. A male of the age of eighteen years, without children, entitled to locate, may purchase at the time of location an adjoining *half quarter section*, or eighty acres, at \$1 per acre, payable one-fourth cash, and the balance in three equal annual instalments with interest. 10

Issue of
patents.

5. Patents for lands located and purchased under this Act may issue at the expiration of three years from the date of location and purchase.

Sale to person
who has made
improve-
ments.

6. Where a person has, previous to the passing of this Act, made substantial improvements on two or more adjoining lots, and said lots contain more land than the person is entitled under this Act to locate and purchase, the Commissioner of Crown Lands may sell to such person such additional quantity of land at \$1 per acre as may, under the circumstances, seem just and equitable. 15 20

Issue of
patents to
persons hav-
ing made im-
provements.

7. In case any person has occupied and made the required improvements upon one or more lots of land before the passing of this Act, the Commissioner of Crown Lands may, after location and purchase as hereinbefore provided, issue the patent therefor without waiting for the expiration of three years. 25

Reservation of
pine trees,
mines and
minerals.

8. All pine trees growing or being upon any lands located or purchased under this Act, and all gold, silver, copper, lead, iron or other mines, or minerals, shall be considered as reserved from said location, or purchase, and shall be the property of Her Majesty, except that the locatee, or those claiming under him, may cut and use such trees as may be necessary for the purpose of building, fencing and fuel, on the land so located or purchased, and may also cut and dispose of all trees required to be removed, in actually clearing said land for cultivation, but no pine trees (except for the necessary building, fencing, and fuel as aforesaid) shall be cut beyond the limit of such actual clearing before the issuing of the patent; and all pine trees so cut and disposed of (except for the necessary building, fencing and fuel as aforesaid) shall be subject to the payment of the same dues as are at the the time payable by the holders of licenses to cut timber or saw logs. 30 35 40

Trees to pas
to patentee.

9. All trees remaining on the land at the time the said patent issues shall pass to the patentee.

Commence-
ment of
Act.

5. This Act shall not go into force until a day to be named by the Lieutenant-Governor by his proclamation. 45

No. 82.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting Free Grants and Homesteads to Actual Settlers on Public Lands in the District of Rainy River.

(Reprinted as amended by Committee of the Whole House.)

First Reading, 17th February, 1886.
Second " 2nd March, 1886.

Mr. PARDEE.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 82]

BILL.

[1886

An Act to Amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Section 77 of *The Consolidated Municipal Act, 1883*, is ^{46 V. c. 18, s. 5} hereby amended by inserting after the words "Inspector of Licenses," in the tenth line of said section, the words, "in any municipality in which *The Temperance Act of 1864*, or *The Canada Temperance Act, 1878*, is not in force." ^{amended.}

No. 83.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 17th February, 1886.

MR. BALFOUR.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Municipal Act

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 473 of *The Consolidated Municipal Act, 1883*, 46 V. c. 18, s.
5 is hereby repealed, and the following substituted in lieu thereof:—

473. While a city or town uses the court house, gaol or house of correction of the county, or while the county uses the court house, gaol or house of correction of a city or town, as the case may be, the municipality owning the court house, gaol or house of correction, shall be entitled to such compensation from the other municipality for the use of the said court house, gaol or house of correction, as well as for the care and maintenance of prisoners, as may be mutually agreed upon or settled by arbitration under this Act.

473a. In case of arbitration under the preceding section of this Act, in determining the compensation to be paid for the care and maintenance of prisoners confined in the gaol, the arbitrators shall take into consideration the original cost of the site and erection of the gaol buildings, the cost of repairs and insurance, and the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith, and shall award compensation according to a *per diem* rate for each prisoner for the time he is confined in gaol.

Contribution
by different
municipalities
for maintenance
of court
houses and
gaols.

Manner of
determining
compensation.

No. 84.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 18th February, 1886.

MR. MONK.

TORONTO

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act for improving the practice of Conveyancing
and amending the Law of Property.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. This Act may be cited as *The Conveyancing and Law of* Short title.
Imp. Act, 44
and 45 Vic.,
c. 41, s. 1.
5 *Property Act, 1886.*

2. This Act shall commence and take effect from and imme- Commence-
ment.
diately after the 1st day of July, 1886.

3. In this Act—

1. Property (unless a contrary intention appears) includes Interpretation
of property,
land, etc.
Imp. Act, ib.
sec. 2.
10 real and personal property, and any debt, and anything in
action, and any other right or interest.

2. Land (unless a contrary intention appears) includes tene-
ments and hereditaments, corporeal or incorporeal; and houses
and other buildings; also an undivided share in land.

15 3. Conveyance (unless a contrary intention appears) includes
assignment, appointment, lease, settlement, and other assurance,
and covenant to surrender, made by deed, on a sale, mortgage,
demise, or settlement of any property or on any other dealing
20 with or for any property; and convey (unless a contrary
intention appears) has a meaning corresponding with that of
conveyance.

4. Mortgage includes any charge on any property for secur-
ing money or money's worth; and mortgage money means
money or money's worth, secured by a mortgage; and mort-
25 gator includes any person from time to time deriving title
under the original mortgagor, or entitled to redeem a mortgage,
according to his estate, interest, or right, in the mortgaged pro-
perty; and mortgagee includes any person from time to time
deriving title under the original mortgagee.

30 5. Incumbrance includes a mortgage in fee, or for a less
estate, and a trust for securing money, and a lien, and a charge
of a portion, annuity or other capital or annual sum; and
incumbrancer has a meaning corresponding with that of incum-
brance, and includes every person entitled to the benefit of an
35 incumbrance, or to require payment or discharge thereof.

6. Purchaser (unless a contrary intention appears) includes a
lessee or mortgagee, and an intending purchaser, lessee or
mortgagee, or other person, who, for valuable consideration,

takes or deals for any property ; and purchase (unless a contrary intention appears) has a meaning corresponding with that of purchaser ; but sale means only a sale properly so-called.

7. A mining lease is a lease for mining purposes, that is, the searching for, working, getting, making merchantable, carrying away, or disposing of mines and minerals, or purposes connected therewith, and includes a grant or license for mining purposes. 5

8. The High Court of Justice is referred to as the Court.

Words of limitation unnecessary. Imp. Act, sec. 51.

4.—(1) In a deed, it shall not be necessary, in the limitation of an estate in fee simple to use the word heirs : or in the limitation of an estate in tail to use the words heirs of the body ; or in the limitation of an estate in tail male or in tail female, to use the words heirs male of the body, or heirs female of the body. 15

Ib.

(2) For the purpose of any such limitation it shall be sufficient in a deed, as in a will to use the words in fee simple, in tail, in tail male, or in tail female, according to the limitations intended, or to use any other words sufficiently indicating the limitation intended. 20

Provision for all the estate, etc.

Imp. Act, *ib.* sec. 63.

(3) Where no words of limitation are used, a conveyance shall pass all the estate, right, title, interest, claim and demand, which the conveying parties respectively have, in, to, or on the property conveyed, or expressed or intended so to be, or which they respectively have power to convey in, to, or on the same. This sub-section applies only if and as far as a contrary intention does not appear from the conveyance, and shall have effect subject to the terms of the conveyance and to the provisions therein contained. 25

(4) This section applies only to conveyances made after the commencement of this Act. 30

Imp., s. 6, R.S. O. c. 102, s. 4.

5.—(1) A conveyance of land shall be deemed to include, and shall by virtue of this Act operate to convey, with the land the particulars set forth in the 4th section of the Act respecting short forms of conveyances. 35

(2) This section applies only if and as far as a contrary intention is not expressed in the conveyance, and shall have effect subject to the terms of the conveyance and to the provisions therein contained.

(3) This section shall not be construed as giving to any person a better title to any property, right or thing in this section mentioned than the title which the conveyance gives to him to the land expressed to be conveyed, or as conveying to him any property, right, or thing in this section mentioned, further or otherwise than as the same could have been conveyed to him by the conveying parties. 40 50

(4) This section applies only to conveyances made after the commencement of this Act.

Conveyance by a person to himself, etc. Imp. Act, sec. 50 ; R. S. O., c. 95, s. 10.

6.—(1) Freehold land, or a thing in action, may be conveyed by a person to himself jointly with another person, by the like means by which it might be conveyed by him to another person ; and may, in like manner, be conveyed by a husband to his wife and by a wife to her husband, alone or jointly with another person. 55

(2) This section applies only to conveyances made after the commencement of this Act.

7.—(1) Where a mortgagor is entitled to redeem, he shall, by virtue of this Act, have power to require the mortgagee, instead of given a certificate of payment or re-conveying, and on the terms on which he would be bound to re-convey, to assign the mortgage debt and convey the mortgaged property to any third person, as the mortgagor directs; and the mortgagee shall, by virtue of this Act be bound to assign and convey accordingly.

Obligation on mortgagee to transfer instead of re-conveying. Imp. Act, sec. 15, R. S. O. c. 97; c. 107, s. 15, 16.

(2) This section does not apply in the case of a mortgagee being or having been in possession.

(3) This section applies to mortgages made either before or after the commencement of this Act, and shall have effect notwithstanding any stipulation to the contrary.

8.—(1) A mortgagor, as long as his right to redeem subsists, shall, by virtue of this Act, be entitled from time to time, at reasonable times, on his request, and at his own cost, and on payment of the mortgagee's costs and expenses in this behalf, to inspect and make copies or abstracts of or extracts from the documents of title relating to the mortgaged property in the custody or power of the mortgagee.

Power for mortgagor to inspect title deeds. Imp. Act, sec. 16.

(2) This section applies only to mortgages made after the commencement of this Act, and shall have effect notwithstanding any stipulation to the contrary.

9.—(1) All money received on an insurance by a mortgagor shall, if the mortgagee so requires, be applied by the mortgagor in making good the loss or damage in respect of which the money is received.

Insurance money. Imp. Act, sec. 23; see 42 V. c. 20, s. 1. (Ont.).

(2) Without prejudice to any obligation to the contrary imposed by law or by special contract, a mortgagee may require that all money received on an insurance be applied in or towards discharge of the money due under his mortgage.

10.—(1) A receipt for consideration money or securities contained in the body of a deed shall be a sufficient discharge for the same to the person paying or delivering the same, without any further receipt for the same being indorsed on the deed, and shall, in favour of a subsequent purchaser not having notice that the money or other consideration thereby acknowledged to be received was not in fact paid or given wholly or in part, be sufficient evidence of the payment or giving of the whole amount thereof;

Receipt in deed sufficient. Imp. Act, s. 54, 55; R.S.O., c. 109, s. 1. sub-s. 4.

11.—(1) On a sale, the purchaser shall not be entitled to require that the conveyance to him be executed in his presence, or in that of his solicitor, as such; but shall be entitled to have, at his own cost, the execution of the conveyance attested by some person appointed by him, who may, if he thinks fit, be his solicitor.

Rights of purchaser as to execution of purchase deed. Imp. Act, s. 8.

(2) This section applies only to sales made after the commencement of this Act.

Provision by
court of in-
cumbances,
and sale freed
therefrom.
Imp. Act, s. 5.

12.—(1) Where land subject to any incumbrance, whether immediately payable or not, is sold by the Court or out of Court, the Court may, if it thinks fit, on the application of any party to the sale, direct or allow payment into Court—in case of an annual sum charged on the land, or of a capital sum charged on a determinable interest in the land—of such amount as, when invested in securities approved by the Court, the Court considers will be sufficient by means of the dividends thereof to keep down or otherwise provide for that charge; and—in any other case of capital money charged on the land—of the amount sufficient to meet the incumbrance and any interest due thereon; but in either case there shall also be paid into Court such additional amount as the Court considers will be sufficient to meet the contingency of further costs, expenses, and interest, and any other contingency except depreciation of to be paid not exceeding one-tenth part of the original amount investments, in, unless the Court for special reasons thinks fit to require a larger additional amount.

(2) Thereupon the Court may, if it thinks fit, and either after or without any notice to the incumbrancer as the Court thinks fit, declare the land to be freed from the incumbrance; and make any order for conveyance, or vesting order, proper for giving effect to the sale; and give directions for the retention and investment of the money in Court.

(3) After notice served on the persons interested in or entitled to the money or fund in Court, the Court may direct payment or transfer thereof to the persons entitled to receive or give a discharge for the same, and generally may give directions respecting the application or distribution of the capital or income thereof.

(4) This section applies to sales not completed at the commencement of this Act, and to sales thereafter made.

Covenants to
be implied.
Imp. Act, s. 7,
R. S. O.
cc. 102, 103,
104.

13.—(1) In a conveyance there shall, in the several cases in this section mentioned, be deemed to be included, and there shall in those several cases by virtue of this Act be implied, covenants to the effect in this section stated, by the person or by each person who conveys, as far as regards the subject-matter or share of subject-matter expressed to be conveyed by him, with the person, if one, to whom the conveyance is made, or with the persons jointly, if more than one, to whom the conveyance is made as joint tenants, or with each of the persons, if more than one, to whom the conveyance is made as tenants in common, that is to say:

On conveyance
for value by
beneficial
owner.
Imp., s. 7.

(a) In a conveyance for valuable consideration, other than a mortgage, the following covenants by the person who conveys, and is expressed to convey, as beneficial owner, namely:

- Covenants for Right to convey;
- Quiet enjoyment;
- Freedom from incumbrances; and
- Further assurance;

According to the tenor and effect of the several and respective forms of covenants for the said purposes set forth in the Schedules to the Revised Act respecting Short Forms of Con-

veyances, (R. S. O. c. 102.) and therein numbered 2, 3, 4 and 5, respectively. subject to the directions in the said Schedule contained.

- (b) In a conveyance of leasehold property for valuable consideration, other than a mortgage the following further covenant, by the person who conveys, and is expressed to convey, as beneficial owner (namely) :

On conveyance of leaseholds for value, by beneficial owner.

- 10 That, notwithstanding anything by the person who so conveys, made, done, executed or omitted, or knowingly suffered, the lease or grant creating the term or estate for which the land is conveyed is, at the time of conveyance, a good, valid, and effectual lease or grant of the property conveyed, and is in full force, unforfeited, unsurrendered, and in nowise become void or voidable, and that, notwithstanding anything as aforesaid, all the rents reserved by and all the covenants, conditions and agreements contained in the lease or grant, and on the part of the lessee or grantee, and the persons deriving title under him to be paid, observed, and performed, have been paid, observed and performed, up to the time of conveyance.

Validity of lease.
Imp., s. 7.

- (c) In a conveyance by way of mortgage, the following covenants by the person who conveys, and is expressed to convey as beneficial owner (namely) :

On mortgage, by beneficial owner.
R. S. O. c. 104;
42 Vic. c. 20,
(Ont.).

- 25 For payment of the mortgage money and interest, and observance in other respects of the proviso in the mortgage.

Good title ;

Right to convey ;

That, on default, the mortgagee shall have quiet possession of the land :

- 30 Free from all incumbrances ;

That the mortgagor will execute such further assurances of the said lands as may be requisite ; and

That the mortgagor has done no act to encumber the land mortgaged ;

- 35 According to the tenor and effect of the several and respective forms of covenants for the said purposes set forth in the Revised Act respecting Short Forms of Mortgages.

- 40 (d) In a conveyance by way of mortgage of leasehold property, the following further covenant by the person who conveys, and is expressed to convey, as beneficial owner (namely) :

On Mortgage of leaseholds, by beneficial owner.
R.S.O., c. 104.
Validity of lease.

- 45 That the lease or grant creating the term or estate for which the land is held is, at the time of conveyance, a good, valid, and effectual lease or grant of the land conveyed, and is in full force, unforfeited, and unsurrendered, and in nowise become void, or voidable, and that all the rents reserved by, and all the covenants, conditions and agreements contained in, the lease, or grant, and on the part of the lessee or grantee and the persons deriving title under him to be paid, observed, and performed, have been paid, observed and performed, up to the time of conveyance ;

50

Payment of
rent and per-
formance of
covenants.

And also, that the person so conveying, or the persons deriving title under him, will at all times, as long as any money remains on the security of the conveyance, pay, observe, and perform, or cause to be paid, observed and performed, all the rents reserved by, and all the covenants, conditions and agreements, contained in the lease or grant, and on the part of the lessee or grantee, and the persons deriving title under him, to be paid, observed and performed, and will keep the person to whom the conveyance is made, and those deriving title under him, indemnified against all accidents, proceedings, costs, charges, damages, claims and demands, if any, to be incurred or sustained by him or them, by reason of the non-payment of such rent, or the non-observance or non-performance of such covenants, conditions and agreements, or any of them :

On conveyance
by trustee,
etc.
Imp. ss. 7.

(7) In any conveyance, the following covenant by every person who conveys, and is expressed to convey, as trustee or mortgagee, or as personal representative of a deceased person, or as committee of a lunatic so found by inquisition or judicial declaration, or under an order of the Court, which covenant shall be deemed to extend to every such person's own acts only (namely):

Against in-
cumbrances.

That the person so conveying has not executed, or done, or knowingly suffered, or been party or privy to, any deed or thing, whereby, or by means whereof the subject-matter of the conveyance, or any part thereof is, or may be impeached, charged, affected, or incumbered in title, estate or otherwise, or whereby or by means whereof the person who so conveys is in anywise hindered from conveying the subject-matter of the conveyance or any part thereof, in the manner in which it is expressed to be conveyed.

(2) Where in a conveyance it is expressed that by direction of a person expressed to direct as beneficial owner another person conveys, then the person giving the direction, whether he conveys and is expressed to convey as beneficial owner or not, shall be deemed to convey, and to be expressed to convey as beneficial owner the subject-matter so conveyed by his direction; and a covenant on his part shall be implied accordingly.

(3) Where in a conveyance, a person conveying is not expressed to convey as beneficial owner, or as settlor, or as trustee, or as mortgagee, or as personal representative of a deceased person, or as committee of a lunatic so found by inquisition, or under an order of the Court, or by direction of a person as beneficial owner, no covenant on the part of the person conveying shall be by virtue of this section implied in the conveyance.

(4) The benefit of a covenant, implied as aforesaid, shall be annexed and incident to and shall go with the estate or interest of the implied covenantee, and shall be capable of being enforced by every person in whom that estate or interest is for the whole or any part thereof from time to time vested.

(5) A covenant implied as aforesaid, may be varied or extended by deed, and as so varied or extended, shall, as far as may be, operate in the like manner, and with all the like

incidents, effects and consequences, as if such variations or extensions were directed in this section to be implied.

(6) This section applies only to conveyances made after the commencement of this Act.

5 **14.** In a deed of mortgage, where more persons than one are expressed to convey as mortgagors, or to join as covenantors, the implied covenants on their part shall be deemed to be joint and several covenants by them; and where there are more mortgagees than one, the implied covenant with them shall be
10 deemed to be a covenant with them jointly, unless the amount secured is expressed to be secured to them in shares or distinct sums; in which latter case the implied covenant with them shall be deemed to be a covenant with each severally in respect of the share or distinct sum secured to him.

Implied covenants in mortgages are joint and several.
Imp. Act, sec. 28.

15 **(2)** This section applies only to deeds of mortgage made after the commencement of this Act.

15 **15.—(1)** Where in a mortgage or an obligation for payment of money, or a transfer of mortgage or of such obligation, the sum, or any part of the sum, advanced or owing is
20 expressed to be advanced by or owing to more persons than one out of money, or as money, belonging to them on a joint account, or where a mortgage, or such an obligation, or such a transfer is made to more persons than one, jointly, and not in shares—the mortgage money, or other money or money's worth,
25 for the time being due to those persons on the mortgage or obligation, shall be deemed to be and remain money or money's worth belonging to those persons on a joint account, as between them and the mortgagor or obligor; and the receipt in writing of the survivors or last survivor of them, or of the personal
30 representatives of the last survivor, shall be a complete discharge for all money or money's worth for the time being due, notwithstanding any notice to the payer of a severance of the joint account.

Effect of advance on joint account, etc.
Imp. Act, sec. 61.

35 **(2)** This section applies only if and as far as a contrary intention is not expressed in the mortgage, or obligation, or transfer, and shall have effect subject to the terms of the mortgage, or obligation, or transfer, and to the provisions therein contained.

40 **(3)** This section applies only to a mortgage, or obligation, or transfer made after the commencement of this Act.

45 **16.—(1)** A right of re-entry or forfeiture under any proviso or stipulation in a lease, for a breach of any covenant or condition in the lease, shall not be enforceable, by action or otherwise, unless and until the lessor serves on the lessee a
notice specifying the particular breach complained of, and if the breach is capable of remedy, requiring the lessee to remedy the breach, and, in any case, requiring the lessee to make compensation in money for the breach, and the lessee fails, within
50 a reasonable time thereafter, to remedy the breach, if it is capable of remedy, and to make reasonable compensation in money, to the satisfaction of the lessor for the breach.

Restrictions on and relief against forfeiture of leases.
Imp. Act, sec. 14; R.S.O., c. 40, s. 49, *et seq.*; *ib.* c. 51, ss. 61, 63, 64; *ib.* c. 136, ss. 12, 13, 14.

(2) Where a lessor is proceeding by action or otherwise, to enforce such a right of re-entry or forfeiture, the lessee may,

in the lessor's action, if any, or in any action brought by himself, apply to the Court for relief ; and the Court may grant or refuse relief, as the Court, having regard to the proceedings and conduct of the parties under the foregoing provisions of this section, and to all the other circumstances, thinks fit ; and in case of relief may grant it on such terms, if any, as to costs, expenses, damages, compensation, penalty, or otherwise, including the granting of an injunction to restrain any like breach in the future, as the Court in the circumstances of each case thinks fit. 5 10

(3) For the purposes of this section, a lease includes an original or derivative under-lease, also a grant at a fee farm, rent, or securing a rent by condition ; and a lessee includes an original or derivative under-lessee, and the heirs, executors, administrators, and assigns of a lessee, also a grantee under such a grant as aforesaid, his heirs and assigns ; and a lessor includes an original or derivative under-lessor, and the heirs, executors, administrators, and assigns of a lessor, also a grantor as aforesaid, and his heirs and assigns. 15

(4) This section applies, although the proviso or stipulation under which the right of re-entry or forfeiture accrues is inserted in the lease, in pursuance of the directions of any Act of Parliament or of this Legislature. 20

(5) For the purposes of this section, a lease limited to continue as long only as the lessee abstains from committing a breach of covenant shall be and take effect as a lease to continue for any longer term for which it could subsist, but determinable by a proviso for re-entry on such a breach. 25

(6) This section does not extend—

(i) To a covenant or condition, against the assigning, under-letting, parting with the possession, or disposing of the land leased ; or to a condition for forfeiture on the bankruptcy of the lessee, or on the taking in execution of the lessee's interest ; or 30

(ii) In case of a mining lease, to a covenant or condition for allowing the lessor to have access to or inspect books, accounts, records, weighing machines or other things, or to enter or inspect the mine or the workings thereof. 35

(7) This section shall not affect the law relating to re-entry or forfeiture or relief in cases of non-payment of rent. 40

(8) This section applies to leases made either before or after the commencement of this Act, and shall have effect notwithstanding any stipulation to the contrary.

(9) Sections numbered 12, 13 and 14, of "The Revised Act respecting the Law of Landlord and Tenant," are hereby repealed. 45

Vesting of
trust property
in new or
continuing
trustees.
Imp. Act,
s. 34 ; R. S. O.
c. 107, s. 3.

17.—(1) Where a deed by which a new trustee is appointed to perform any trust contains a declaration by the appointor to the effect that any estate or interest in any land subject to the trust, or in any chattel so subject, or the right to recover and receive any debt or other thing in action so subject, shall vest in the persons who by virtue of the deed become and are the trustees for performing the trust, that declaration shall, 50

without any conveyance or assignment, operate to vest in those persons, as joint tenants, and for the purposes of the trust, that estate, interest or right.

(2) Where a deed by which a retiring trustee is discharged under this Act contains such a declaration as is in this section mentioned by the retiring and continuing trustees, and by the other person, if any, empowered to appoint trustees, that declaration shall, without any conveyance or assignment, operate to vest in the continuing trustees alone, as joint tenants, and for the purposes of the trust, the estate, interest, or right to which the declaration relates.

(3) This section does not extend to any such share, stock, annuity, or property as is only transferable in books kept by a company or other body, or in manner prescribed by or under an Act of Parliament or of this Legislature.

(4) For purposes of registration of the deed in any registry, the person or persons making the declaration shall be deemed the conveying party or parties, and the conveyance shall be deemed to be made by him or them under a power conferred by this Act.

(5) This section applies only to deeds executed after the commencement of this Act.

18.—(1) Notwithstanding that a married woman is restrained from anticipation, the Court may, if it thinks fit, where it appears to the Court to be for her benefit, by judgment or order, with her consent, bind her interest in any property.

Power for court to bind interest of married women.

(2) This section applies only to judgments or orders made after the commencement of this Act.

Imp. Act, s. 39.

19.—(1) Payment of money into Court shall effectually exonerate therefrom the person making the payment.

Regulations respecting payments into court and applications. Imp. Act, s. 69.

(2) Every application to the Court shall, except where it is otherwise expressed, be made in chambers, and on notice. (Ont. Jud. Act, 1881, Rule 412.)

(3) On an application by a purchaser, notice shall be served in the first instance on the vendor.

(4) On an application by a vendor, notice shall be served in the first instance on the purchaser.

(5) On any application, notice shall be served on such persons, if any, as the Court thinks fit.

(6) The Court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges or expenses of all or any of the parties to any application.

20.—(1) An order of the Court under any statutory or other jurisdiction shall not, as against a purchaser, be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice, or service, whether the purchaser has notice of any such want or not.

Orders of court conclusive. Imp. Act, s. 70.

(2) This section applies to all orders made before or after the commencement of this Act, except orders (if any) which have before the commencement of this Act been set aside or determined to be invalid on any ground, and except orders, (if any)

as regards which an action or proceeding is at the commencement of this Act pending for having it set aside or determined to be invalid.

Power of
rules for re-
muneration in
conveyancing,
etc.
Imp. Act, 44
and 45, V. c.
44, s. 2; Ont.
44 V. c. 5, ss.
54, 55.

21.—The provisions of *The Ontario Judicature Act, 1881*, respecting rules of Court shall apply to general rules for any of the purposes of this Act, including the remuneration of solicitors in respect of business connected with sales, purchases, leases, mortgages, settlements, and other matters of conveyancing. 5

Principles of
remuneration.
Imp Act,
44, 45, V. c.
44, s. 4; R.S.O.
c. 102, s. 5; *ib.*
c. 104, s. 5.

22. Any such general rule may, as regards the mode of remuneration, prescribe that it shall be according to a scale of rates of commission or percentage, varying or not in different classes of business; or by a gross sum; or by a fixed sum for each document prepared or perused; without regard to length; or in any other mode; or partly in one mode and partly in another, or 15 others; and may, as regards the amount of the remuneration, regulate the same with reference to all or any of the following among other considerations; namely: the position of the party for whom the solicitor is concerned in any business, that is, whether as vendor or as purchaser, lessor or 20 lessee, mortgagor or mortgagee, and the like; the place, district, and circumstances at or in which the business or part thereof is transacted; the amount of the capital money or of the rent to which the business relates; the skill, labour and responsibility involved therein on the part of the solicitor; the num- 25 ber and importance of the documents prepared or perused, without regard to length; and the average or ordinary remuneration obtained by solicitor in like business at the passing of this Act.

Effect of order
as to taxation.

(3) As long as any such general rule is in operation, the taxation of bills of costs of solicitors shall be regulated thereby. 30

Power for
solicitor and
client to agree
on form and
amount of
remuneration.
Imp. Act, *ib.*
s. 8.

23.—(1) With respect to any business to which the preceding section relates, whether any general rule under this Act is in operation or not, it shall be competent (subject to the provisions hereinafter mentioned) for a solicitor to make an 35 agreement with his client, and for a client to make an agreement with his solicitor, before or after or in the course of the transaction of any such business, for the remuneration of the solicitor, to such amount and in such manner as the solicitor and the client think fit, either by a gross sum, or by commission or percentage, or by salary, or otherwise; and it shall be 40 competent for the solicitor to accept from the client, and for the client to give to the solicitor, remuneration accordingly.

(2) The agreement shall be in writing, signed by the person to be bound thereby or by his agent in that behalf. 45

(3) The agreement may, if the solicitor and the client think fit, be made on the terms that the amount of the remuneration therein stipulated for either shall include or shall not include all or any disbursements made by the solicitor in respect of searches, plans, travelling fees, or other matters. 50

Unfair or
unreasonable
agreement not
to bind the
client.

(4) The agreement may be sued and recovered on, or impeached and set aside, in the like manner and on the like grounds as an agreement not relating to the remuneration of a

solicitor; and if, under any order for taxation of costs, such agreement being relied upon by the solicitor shall be objected to by the client as unfair and unreasonable, the taxing master or officer of the Court may inquire into the facts, and certify the
 5 same to the Court; and if, upon such certificate, it shall appear to the Court or Judge that just cause has been shown either for cancelling the agreement, or for reducing the amount payable under the same, the Court or Judge shall have power to order such cancellation or reduction, and to give all such directions
 10 necessary or proper for the purpose of carrying the order into effect, or otherwise consequential thereon, as to the Court or Judge may seem fit.

(5) "Client," for the purposes of this section, includes any *Imp. Act, ib.*
 15 person who, as a principal, or on behalf of another or as trustee ^{s. 1.} or executor or in any other capacity, has power, express or implied, to retain or employ, and retains or employs, or is about to retain or employ, a solicitor, and any person for the time being liable to pay to a solicitor for his services any costs, remuneration, charges, expenses, or disbursements.

No. 85.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act for improving the practice of Conveyancing and amending the Law of Property.

First Reading, 18th February, 1886.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act for improving the practice of Conveyancing
and amending the Law of Property.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. This Act may be cited as "*The Conveyancing and Law of* Short title.
Imp. Act, 44
and 45 Vic.,
c. 41, s. 1.
5 *Property Act, 1886.*"

2. This Act shall commence and take effect from and imme- Commence-
ment.
diately after the 1st day of July, 1886.

3. In this Act—

1. Property (unless a contrary intention appears) includes Interpretation
of property,
land, etc.
Imp. Act, *ib.*
sec. 2.
10 real and personal property, and any debt, and any thing in
action, and any other right or interest.

2. Land (unless a contrary intention appears) includes tene-
ments and hereditaments, corporeal or incorporeal; and houses
and other buildings; also an undivided share in land.

15 3. Conveyance (unless a contrary intention appears) includes
assignment, appointment, lease, settlement, and other assurance,
and covenant to surrender, made by deed, on a sale, mortgage,
demise, or settlement of any property or on any other dealing
with or for any property; and convey (unless a contrary
20 intention appears) has a meaning corresponding with that of
conveyance.

4. Mortgage includes any charge on any property for secur-
ing money or money's worth; and mortgage money means
money or money's worth, secured by a mortgage; and mort-
25 gator includes any person from time to time deriving title
under the original mortgagor, or entitled to redeem a mortgage,
according to his estate, interest, or right, in the mortgaged pro-
perty; and mortgagee includes any person from time to time
deriving title under the original mortgagee.

30 5. Incumbrance includes a mortgage in fee, or for a less
estate, and a trust for securing money, and a lien, and a charge
of a portion, annuity or other capital or annual sum; and
incumbrancer has a meaning corresponding with that of incum-
brance, and includes every person entitled to the benefit of an
35 incumbrance, or to require payment or discharge thereof.

6. Purchaser (unless a contrary intention appears) includes a
lessee or mortgagee, and an intending purchaser, lessee or
mortgagee, or other person, who, for valuable consideration,

takes or deals for any property ; and purchase (unless a contrary intention appears) has a meaning corresponding with that of purchaser ; but sale means only a sale properly so-called.

7. A mining lease is a lease for mining purposes, that is, the searching for, working, getting, making merchantable, carrying away, or disposing of mines and minerals, or purposes connected therewith, and includes a grant or license for mining purposes. 5

8. The High Court of Justice is referred to as the Court.

Words of limitation unnecessary. Imp. Act, sec. 51.

4.—(1) In a deed, *or other instrument*, it shall not be necessary, in the limitation of an estate in fee simple to use the word heirs ; or in the limitation of an estate in tail to use the words heirs of the body ; or in the limitation of an estate in tail male or in tail female, to use the words heirs male of the body, or heirs female of the body. 10 15

1b.

(2) For the purpose of any such limitation it shall be sufficient in a deed, *or other instrument*, as in a will to use the words in fee simple, in tail, in tail male, or in tail female, according to the limitations intended, or to use any other words sufficiently indicating the limitation intended. 20

Provision for all the estate, etc.

Imp. Act, *ib.* sec. 63.

(3) Where no words of limitation are used, a conveyance shall pass all the estate, right, title, interest, claim and demand, which the conveying parties respectively have, in, to, or on the property conveyed, or expressed or intended so to be, or which they respectively have power to convey in, to, or on the same. This sub-section applies only if and as far as a contrary intention does not appear from the conveyance, and shall have effect subject to the terms of the conveyance and to the provisions therein contained. 25

(4) This section applies only to conveyances made after the commencement of this Act. 30

Imp., s. 6; R. S. O. c. 102, s. 4.

5.—(1) A conveyance of land shall be deemed to include, and shall by virtue of this Act operate to convey, with the land, the particulars set forth in section 4 of *The Act respecting Short Forms of Conveyances*. 35

(2) This section applies only if and as far as a contrary intention is not expressed in the conveyance, and shall have effect subject to the terms of the conveyance and to the provisions therein contained.

(3) This section shall not be construed as giving to any person a better title to any property, right or thing in this section mentioned than the title which the conveyance gives to him to the land expressed to be conveyed, or as conveying to him any property, right, or thing in this section mentioned, further or otherwise than as the same could have been conveyed to him by the conveying parties. 40 45

(4) This section applies only to conveyances made after the commencement of this Act.

Conveyance by a person to himself, etc. Imp. Act, sec. 50; R. S. O., c. 95, s. 10.

6. Freehold land, or a thing in action, may be conveyed by a person to himself jointly with another person, by the like means by which it might be conveyed by him to another person; and may, in like manner, be conveyed by a husband to his wife and by a wife to her husband, alone or jointly with another person. 50

7.—(1) Where a mortgagor is entitled to redeem, he shall, by virtue of this Act, have power to require the mortgagee, instead of *giving* a certificate of payment or re-conveying, and on the terms on which he would be bound to re-convey, to assign the mortgage debt and convey the mortgaged property to any third person, as the mortgagor directs; and the mortgagee shall, by virtue of this Act be bound to assign and convey accordingly.

Obligation on mortgagee to transfer instead of re-conveying.
Imp. Act, sec. 15, R. S. O. c. 97; c. 197, s. 15, 16.

(2) This section does not apply in the case of a mortgagee being or having been in possession.

(3) This section applies to mortgages made either before or after the commencement of this Act, and shall have effect notwithstanding any stipulation to the contrary.

8.—(1) A mortgagor, as long as his right to redeem subsists, shall, by virtue of this Act, be entitled from time to time, at reasonable times, on his request, and at his own cost, and on payment of the mortgagee's costs and expenses in this behalf, to inspect and make copies or abstracts of or extracts from the documents of title relating to the mortgaged property in the custody or power of the mortgagee.

Power for mortgagor to inspect title deeds.
Imp. Act, sec. 16.

(2) This section applies only to mortgages made after the commencement of this Act, and shall have effect notwithstanding any stipulation to the contrary.

9.—(1) All money *payable* on an insurance to a mortgagor shall, if the mortgagee so requires, be applied by the mortgagor in making good the loss or damage in respect of which the money is received.

Insurance money.
Imp. Act, sec. 23; see 42 V. c. 20, s. 1. (Ont.).

(2) Without prejudice to any obligation to the contrary imposed by law or by special contract, a mortgagee may require that all money received on an insurance be applied in or towards the discharge of the money due under his mortgage.

10. A receipt for consideration money or securities contained in the body of a *conveyance* shall be a sufficient discharge for the same to the person paying or delivering the same, without any further receipt for the same being indorsed on the *conveyance*, and shall, in favour of a subsequent purchaser not having notice that the money or other consideration thereby acknowledged to be received was not in fact paid or given wholly or in part, be sufficient evidence of the payment or giving of the whole amount thereof.

Receipt in deed sufficient.
Imp. Act, s. 54, 55; R.S.O. c. 109, s. 1, sub-s. 4.

11.—(1) On a sale, the purchaser shall not be entitled to require that the conveyance to him be executed in his presence, or in that of his solicitor, as such; but shall be entitled to have, at his own cost, the execution of the conveyance attested by some person appointed by him, who may, if he thinks fit, be his solicitor.

Rights of purchaser as to execution of purchase deed.
Imp. Act, s. 8.

(2) This section applies only to sales made after the commencement of this Act.

12.—(1) Where land subject to any incumbrance, whether immediately payable or not, is sold by the Court or out of Court, the Court may, if it thinks fit, on the application of any

Provision by court of incumbrances.

and sale freed
therefrom.
Imp. Act, s. 5.

party to the sale, direct or allow payment into Court—in case of an annual sum charged on the land, or of a capital sum charged on a determinable interest in the land—of such amount as, when invested in securities approved by the Court, the Court considers will be sufficient by means of the dividends thereof to keep down or otherwise provide for that charge; and—in any other case of capital money charged on the land—of the amount sufficient to meet the incumbrance and any interest due thereon; but in either case there shall also be paid into Court such additional amount as the Court considers will be sufficient to meet the contingency of further costs, expenses, and interest, and any other contingency except depreciation of investments, not exceeding one-tenth part of the original amount to be paid in, unless the Court for special reasons thinks fit to require a larger additional amount. 15

(2) Thereupon the Court may, if it thinks fit, and either after or without any notice to the incumbrancer as the Court thinks fit, declare the land to be freed from the incumbrance; and make any order for conveyance, or vesting order, proper for giving effect to the sale; and give directions for the retention and investment of the money in Court. 20

(3) After notice served on the persons interested in or entitled to the money or fund in Court, the Court may direct payment or transfer thereof to the persons entitled to receive or give a discharge for the same, and generally may give directions respecting the application or distribution of the capital or income thereof. 25

(4) This section applies to sales not completed at the commencement of this Act, and to sales thereafter made.

Covenants to
be implied.
Imp. Act, s. 7,
R. S. O.,
cc. 102, 103,
104.

13.—(1) In a conveyance there shall, in the several cases in this section mentioned, be deemed to be included, and there shall in those several cases by virtue of this Act be implied, covenants to the effect in this section stated, by the person or by each person who conveys, as far as regards the subject-matter or share of subject-matter expressed to be conveyed by him, with the person, if one, to whom the conveyance is made, or with the persons jointly, if more than one, to whom the conveyance is made as joint tenants, or with each of the persons, if more than one, to whom the conveyance is made as tenants in common, that is to say: 30 35 40

On conveyance
for value by
beneficial
owner
Imp., s. 7.

(a) In a conveyance for valuable consideration, other than a mortgage, the following covenants by the person who conveys, and is expressed to convey, as beneficial owner, namely:

Covenants for Right to convey;

45

Quiet enjoyment;

Freedom from incumbrances; and

Further assurance;

According to the tenor and effect of the several and respective forms of covenants for the said purposes set forth in the Schedules to the *Revised Act respecting Short Forms of Conveyances*, (R. S. O. 50

c. 102.) and therein numbered 2, 3, 4 and 5, respectively, subject to the directions in the said Schedule contained.

- 5 (b) In a conveyance of leasehold property for valuable consideration, other than a mortgage, the following further covenant, by the person who conveys, and is expressed to convey, as beneficial owner (namely): On conveyance of leaseholds for value, by beneficial owner.
- 10 That, notwithstanding anything by the person who so conveys, made, done, executed or omitted, or knowingly suffered, the lease or grant creating the term or estate for which the land is conveyed is, at the time of conveyance, a good, valid, and effectual lease or grant of the property conveyed, and is in full force, unforfeited, unsurrendered, and in nowise become void or voidable, and that, notwithstanding anything as aforesaid, all the rents reserved by and all the covenants, conditions and agreements contained in the lease or grant, and on the part of the lessee or grantee, and the persons deriving title under him to be paid, observed, and performed, have been paid, observed and performed, up to the time of conveyance. Validity of lease. Imp., s. 7.
- 15
- 20
- 25 (c) In a conveyance by way of mortgage, the following covenants by the person who conveys, and is expressed to convey as beneficial owner (namely): On mortgage, by beneficial owner. R. S. O. c. 104; 42 Vic. c. 20, (Ont.).
- For payment of the mortgage money and interest, and observance in other respects of the proviso in the mortgage:
- Good title;
- 30 Right to convey;
- That, on default, the mortgagee shall have quiet possession of the land;
- Free from all incumbrances:
- That the mortgagor will execute such further assurances of the said lands as may be requisite: and
- 35 That the mortgagor has done no act to incumber the land mortgaged;
- According to the tenor and effect of the several and respective forms of covenants for the said purposes set forth in the *Revised Act respecting Short Forms of Mortgages*.
- 40
- 45 (d) In a conveyance by way of mortgage of leasehold property, the following further covenant by the person who conveys, and is expressed to convey, as beneficial owner (namely): On Mortgage of leaseholds, by beneficial owner. R. S. O., c. 104. Validity of lease.
- That the lease or grant creating the term or estate for which the land is held is, at the time of conveyance, a good, valid, and effectual lease or grant of the land conveyed, and is in full force, unforfeited, and unsurrendered, and in nowise become void, or voidable, and that all the rents reserved by, and all the covenants, conditions and agreements con-
- 50

tained in, the lease, or grant, and on the part of the lessee or grantee and the persons deriving title under him to be paid, observed, and performed, have been paid, observed and performed, up to the time of conveyance;

5

Payment of
rent and per-
formance of
covenants.

And also, that the person so conveying, or the persons deriving title under him, will at all times, as long as any money remains on the security of the conveyance, pay, observe, and perform, or cause to be paid, observed and performed, all the rents reserved 10 by, and all the covenants, conditions and agreements, contained in the lease or grant, and on the part of the lessee or grantee, and the persons deriving title under him, to be paid, observed and performed, and will keep the person to whom the 15 conveyance is made, and those deriving title under him, indemnified against all accidents, proceedings, costs, charges, damages, claims and demands, if any, to be incurred or sustained by him or them, by reason of the non-payment of such rent, or the 20 non-observance or non-performance of such covenants, conditions and agreements, or any of them.

On conveyance
by trustee,
etc.
Imp. ss. 7.

(f) In any conveyance, the following covenant by every person who conveys, and is expressed to convey, as trustee or mortgagee, or as personal representa- 25 tive of a deceased person, or as committee of a lunatic so found by inquisition or judicial declaration, or under an order of the Court, which covenant shall be deemed to extend to every such person's own acts only (namely): 30

Against in-
cumbrances.

That the person so conveying has not executed, or done, or knowingly suffered, or been party or privy to, any deed or thing, whereby, or by means whereof the subject-matter of the conveyance, or any part thereof is, or may be impeached, charged, affected, 35 or incumbered in title, estate or otherwise, or whereby or by means whereof the person who so conveys is in anywise hindered from conveying the subject-matter of the conveyance or any part thereof, in the manner in which it is expressed to 40 be conveyed.

(2) Where in a conveyance it is expressed that by direction of a person expressed to direct as beneficial owner another person conveys, then the person giving the direction, whether he conveys and is expressed to convey as beneficial owner or 45 not, shall be deemed to convey, and to be expressed to convey as beneficial owner the subject-matter so conveyed by his direction; and a covenant on his part shall be implied accordingly.

(3) Where in a conveyance, a person conveying is not ex- 50 pressed to convey as beneficial owner, or as settlor, or as trustee, or as mortgagee, or as personal representative of a deceased person, or as committee of a lunatic so found by inquisition, or under an order of the Court, or by direction of a person as beneficial owner, no covenant on the part of the person conveying 55 shall be by virtue of this section implied in the conveyance.

(4) The benefit of a covenant, implied as aforesaid, shall be annexed and incident to and shall go with the estate or interest of the implied covenantee, and shall be capable of being enforced by every person in whom that estate or interest is for the whole or any part thereof from time to time vested.

(5) A covenant implied as aforesaid, may be varied or extended by deed, and as so varied or extended, shall, as far as may be, operate in the like manner, and with all the like incidents, effects and consequences, as if such variations or extensions were directed in this section to be implied.

(6) This section applies only to conveyances made after the commencement of this Act.

14.—(1) In a mortgage, where more persons than one are expressed to convey as mortgagors, or to join as covenantors, the implied covenants on their part shall be deemed to be joint and several covenants by them; and where there are more mortgagees than one, the implied covenant with them shall be deemed to be a covenant with them jointly, unless the amount secured is expressed to be secured to them in shares or distinct sums; in which latter case the implied covenant with them shall be deemed to be a covenant with each severally in respect of the share or distinct sum secured to him.

Implied covenants in mortgages are joint and several.
Imp. Act, sec. 28.

(2) This section applies only to a mortgage made after the commencement of this Act.

15.—(1) Where in a mortgage or an obligation for payment of money, or a transfer of mortgage or of such obligation, the sum, or any part of the sum, advanced or owing is expressed to be advanced by or owing to more persons than one out of money, or as money, belonging to them on a joint account, or where a mortgage, or such an obligation, or such a transfer is made to more persons than one, jointly, and not in shares—the mortgage money, or other money or money's worth, for the time being due to those persons on the mortgage or obligation, shall be deemed to be and remain money or money's worth belonging to those persons on a joint account, as between them and the mortgagor or obligor; and the receipt in writing of the survivors or last survivor of them, or of the personal representatives of the last survivor, shall be a complete discharge for all money or money's worth for the time being due, notwithstanding any notice to the payer of a severance of the joint account.

Effect of advance on joint account, etc.
Imp. Act, sec. 61.

(2) This section applies only if and as far as a contrary intention is not expressed in the mortgage, or obligation, or transfer, and shall have effect subject to the terms of the mortgage, or obligation, or transfer, and to the provisions therein contained.

(3) This section applies only to a mortgage, or obligation, or transfer made after the commencement of this Act.

16.—(1) A right of re-entry or forfeiture under any proviso or stipulation in a lease, for a breach of any covenant or condition in the lease, shall not be enforceable, by action or otherwise, unless and until the lessor serves on the lessee a

Restrictions on and relief against forfeiture of leases.

Imp. Act, sec.
14; R.S.O.,
c. 40, s. 49,
et seq.; *ib.*
c. 51, ss. 61,
63, 64; *ib.*
c. 136, ss. 12,
13, 14.

notice specifying the particular breach complained of, and if the breach is capable of remedy, requiring the lessee to remedy the breach, and, in any case, requiring the lessee to make compensation in money for the breach, and the lessee fails, within a reasonable time thereafter, to remedy the breach, if it is 5 capable of remedy, to make reasonable compensation in money, to the satisfaction of the lessor for the breach.

(2) Where a lessor is proceeding by action or otherwise, to enforce such a right of re-entry or forfeiture, the lessee may, in the lessor's action, if any, or in any action brought by him- 10 self, apply to the Court for relief; and the Court may grant or refuse relief, as the Court, having regard to the proceedings and conduct of the parties under the foregoing provisions of this section, and to all the other circumstances, thinks fit; and in case of relief may grant it on such terms, if any, as to costs, 15 expenses, damages, compensation, penalty, or otherwise, including the granting of an injunction to restrain any like breach in the future, as the Court in the circumstances of each case thinks fit.

(3) For the purposes of this section, a lease includes an original 20 or derivative under-lease, also a grant at a fee farm rent, or securing a rent by condition; and a lessee includes an original or derivative under-lessee, and the heirs, executors, administrators, and assigns of a lessee, also a grantee under such a grant as aforesaid, his heirs and assigns; and a lessor includes 25 an original or derivative under-lessor, and the heirs, executors, administrators, and assigns of a lessor, also a grantor as aforesaid, and his heirs and assigns.

(4) This section applies, although the proviso or stipulation under which the right of re-entry or forfeiture accrues is in- 30 serted in the lease, in pursuance of the directions of any Act of Parliament or of this Legislature.

(5) For the purposes of this section, a lease limited to continue as long only as the lessee abstains from committing a breach of covenant shall be and take effect as a lease to con- 35 tinue for any longer term for which it could subsist, but determinable by a proviso for re-entry on such a breach.

(6) This section does not extend—

(a) To a covenant or condition, against the assigning, under-letting, parting with the possession, or disposing of the land 40 leased; or to a condition for forfeiture on the bankruptcy of the lessee, or on the taking in execution of the lessee's interest; or

(b) In case of a mining lease, to a covenant or condition for allowing the lessor to have access to or inspect books, 45 accounts, records, weighing machines or other things, or to enter or inspect the mine or the workings thereof.

(7) This section shall not affect the law relating to re-entry or forfeiture or relief in cases of non-payment of rent.

(8) This section applies to leases made either before or after 50 the commencement of this Act, and shall have effect notwithstanding any stipulation to the contrary.

(9) Sections numbered 12, 13 and 14, of *The Revised Act respecting the Law of Landlord and Tenant*, are hereby repealed.

17.—(1) Where *an instrument* by which a new trustee is appointed to perform any trust contains a declaration by the appointor to the effect that any estate or interest in any land subject to the trust, or in any chattel so subject, or the right to recover and receive any debt or other thing in action so subject, shall vest in the persons who by virtue of *such instrument* become and are the trustees for performing the trust, that declaration shall, without any conveyance or assignment, operate to vest in those persons, as joint tenants, and for the purposes of the trust, that estate, interest or right.

Vesting of trust property in new or continuing trustees.
Imp. Act, s. 34; R. S. O. c. 107, s. 3.

(2) Where *an instrument* by which a retiring trustee is discharged under this Act contains such a declaration as is in this section mentioned by the retiring and continuing trustees, and by the other person, if any, empowered to appoint trustees, that declaration shall, without any conveyance or assignment, operate to vest in the continuing trustees alone, as joint tenants, and for the purposes of the trust, the estate, interest, or right to which the declaration relates.

(3) This section does not extend to any such share, stock, annuity, or property as is only transferable in books kept by a company or other body, or in manner prescribed by or under an Act of Parliament or of this Legislature.

(4) For purposes of registration of *an instrument* in any registry, the person or persons making the declaration shall be deemed the conveying party or parties, and the conveyance shall be deemed to be made by him or them under a power conferred by this Act.

(5) This section applies only to *instruments* executed after the commencement of this Act.

18.—(1) Notwithstanding that a married woman is restrained from anticipation, the Court may, if it thinks fit, where it appears to the Court to be for her benefit, by judgment or order, with her consent, bind her interest in any property.

Power for court to bind interest of married women.
Imp. Act, s. 39.

(2) This section applies only to judgments or orders made after the commencement of this Act.

19.—(1) Payment of money into Court shall effectually exonerate therefrom the person making the payment.

Regulations respecting payments into court and applications.
Imp. Act, s. 69.

(2) Every application to the Court shall, except where it is otherwise expressed, be made in chambers, and on notice. (Ont. Jud. Act, 1881, Rule 412.)

(3) On an application by a purchaser, notice shall be served in the first instance on the vendor.

(4) On an application by a vendor, notice shall be served in the first instance on the purchaser.

(5) On any application, notice shall be served on such persons, if any, as the Court thinks fit.

(6) The Court shall have full power and discretion to make such order as it thinks fit respecting the costs, charges or expenses of all or any of the parties to any application.

Orders of
court con-
clusive.
Imp. Act,
s. 70.

20.—(1) An order of the Court under any statutory or other jurisdiction shall not, as against a purchaser, be invalidated on the ground of want of jurisdiction, or of want of any concurrence, consent, notice, or service, whether the purchaser has notice of any such want or not. 5

(2) This section applies to all orders made before or after the commencement of this Act, except orders (if any) which have before the commencement of this Act been set aside or determined to be invalid on any ground, and except orders, (if any) as regards which an action or proceeding is at the commencement of this Act pending for having it set aside or determined, to be invalid. 15

Rules for re-
muneration in
conveyancing,
etc.
Imp. Act, 44
and 45, V. c.
44, s. 2; Ont.
44 V. c. 5, ss.
54, 55.

21.—The provisions of *The Ontario Judicature Act, 1881* respecting rules of Court shall apply to general rules for any of the purposes of this Act, including the remuneration of solicitors in respect of business connected with sales, purchases, leases, mortgages, settlements, and other matters of convey- 20
ancing.

Principles of
remuneration.
Imp Act,
44, 45, V. c.
44, s. 4; R.S.O.
c. 102, s. 5; *ib.*
c. 104, s. 5.

22. Any such general rule may, as regards the mode of remuneration, prescribe that it shall be according to a scale of rates of commission or percentage, varying or not in different classes of business; or by a gross sum; or by a fixed sum for each document prepared or perused; without regard to length; or in any other mode; or partly in one mode and partly in another, or others; and may, as regards the amount of the remuneration, regulate the same with reference to all or any of the following among other considerations; namely: the position of the party for whom the solicitor is concerned in any business, that is, whether as vendor or as purchaser, lessor or lessee, mortgagor or mortgagee, and the like; the place, district, and circumstances at or in which the business or part thereof is transacted; the amount of the capital money or of the rent to which the business relates; the skill, labour and responsibility involved therein on the part of the solicitor; the number and importance of the documents prepared or perused, without regard to length; and the average or ordinary remuneration obtained by solicitor in like business at the passing of this Act. 35 40

Effect of order
as to taxation.

(3) As long as any such general rule is in operation, the taxation of bills of costs of solicitors shall be regulated thereby.

Power for
solicitor and
client to agree
on form and
amount of
remuneration.
Imp. Act, *ib.*
s. 8.

23.—(1) With respect to any business to which the preceding section relates, whether any general rule under this Act is in operation or not, it shall be competent (subject to the provisions hereinafter mentioned) for a solicitor to make an agreement with his client, and for a client to make an agreement with his solicitor, before or after or in the course of the transaction of any such business, for the remuneration of the solicitor, to such amount and in such manner as the solicitor and the client think fit, either by a gross sum, or by commission or percentage, or by salary, or otherwise; and it shall be 45 50

competent for the solicitor to accept from the client, and for the client to give to the solicitor, remuneration accordingly.

(2) The agreement shall be in writing, signed by the person to be bound thereby or by his agent in that behalf.

5 (3) The agreement may, if the solicitor and the client think fit, be made on the terms that the amount of the remuneration therein stipulated for either shall include or shall not include all or any disbursements made by the solicitor in respect of searches, plans, travelling fees, or other matters.

10 (4) The agreement may be sued and recovered on, or impeached and set aside, in the like manner and on the like grounds as an agreement not relating to the remuneration of a solicitor; and if, under any order for taxation of costs, such agreement being relied upon by the solicitor shall be objected to
 15 by the client as unfair and unreasonable, the taxing master or officer of the Court may inquire into the facts, and certify the same to the Court; and if, upon such certificate, it shall appear to the Court or Judge that just cause has been shown either for cancelling the agreement, or for reducing the amount payable
 20 under the same, the Court or Judge shall have power to order such cancellation or reduction, and to give all such directions necessary or proper for the purpose of carrying the order into effect, or otherwise consequential thereon, as to the Court or Judge may seem fit.

Unfair or unreasonable' agreement not to bind the client.

25 (5) "Client," for the purposes of this section, includes any person who, as a principal, or on behalf of another or as trustee or executor or in any other capacity, has power, express or implied, to retain or employ, and retains or employs, or is about to retain or employ, a solicitor, and any person for the time
 30 being liable to pay to a solicitor for his services any costs, remuneration, charges, expenses, or disbursements.

Imp. Act, 46. s. 1.

No. 85.

3rd Session, 5th Legislature, 40 Vic, 1886.

BILL.

An Act for improving the practice of Conveyancing and amending the Law of Property.

(Reprinted as amended by Committee of the Whole House.)

First Reading, 18th February, 1886.

Second " 4th March, 1886.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting Returns of Convictions by Stipendiary
and Police Magistrates.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. After the 1st day of January next, every Police Magis-
5 trate and Stipendiary Magistrate shall keep, or cause to be kept, at the place where he most usually holds his court, a book ruled in the same manner as the form of return of convictions given in *The Revised Act respecting Returns of Con-*
10 *victions and Fines by Justices of the Peace*, and shall, from time to time enter, or cause to be entered in the said book, in respect of convictions had before him whether the conviction is under a law within Dominion or Provincial authority, the information required to be given in the returns prescribed by the said Revised Act.
Record of convictions.
R. S. O. c. 76.
- 15 2. In the case of a Police Magistrate the cost of the book shall be returned to him by the municipality of which he is a Police Magistrate ; or if he is a Police Magistrate of territory composed of two or more municipalities, the cost shall be repaid by the county, *and in case of a stipendiary magis-*
20 *trate the cost of the book shall be repaid out of the Consolidated Revenue Fund of the Province.*
Cost of book in which record kept.
3. The required entries shall be made forthwith upon the happening of the event in respect of which information is to
25 be given ; and in case the fine, forfeiture, penalty, or damages imposed, is or are not collected within three months after the imposition thereof, the cause of the same not having been collected shall be written in the column for Observations.
When entries to be made.
4. Any person shall be at liberty to inspect the book kept
30 by Police or Stipendiary Magistrates at any reasonable time upon the payment of a fee of twenty-five cents ; but any person upon whom fine, forfeiture, or penalty, or damages has or have been imposed, may at any reasonable time gratuitously inspect the entry in respect of his conviction ; and the book kept by a Police Magistrate shall, at all reasonable times, be
35 open to the gratuitous inspection of any of the officers of the municipality.
Record to be open to inspection.
5. In case a Police or Stipendiary Magistrate before whom
40 any conviction takes place, or who receives any such moneys, neglects to make the proper entry in respect thereto for more than one month after the conviction takes place, or after the
Penalty.

receipt of money paid him in respect of the imposition of a fine, forfeiture, penalty or damages, such magistrate shall forfeit and pay the sum of \$80, together with full costs of suit, to be recovered by any person who sues for the same in any Court of Record in the Province, one moiety, which sum shall be paid to the party suing and the other moiety to the Treasurer of the Province for the public use of the Province; and the provisions of section 4 of the said Revised Statute shall apply to any action brought under this section for the recovery of a penalty. 10

Application of
R. S. O. c. 76,
s. 1, limited.

6. The provisions of section 1 of the said statute shall not be held to apply to a Police or Stipendiary Magistrate, nor shall it be necessary that convictions by Police or Stipendiary Magistrates should be published in any newspaper; but any Police or Stipendiary Magistrate who has heretofore made returns to the clerk of the peace, in the manner prescribed by the said section, shall continue to make such returns in respect of convictions which may be had before him up to and inclusive of the 31st day of December next. 15

Publication of
entries.

7. The council of any municipality may at any time cause copies of such entries to be made, and may cause the same to be published in any newspaper, or newspapers, or otherwise, as may be deemed fitting. 20

Return of
convictions.

8. Every Police Magistrate shall forward to the clerk of the peace of the county, for which, or within which, he is Police Magistrate, and to the Inspector of legal offices at Toronto, on or before the second Tuesday in each of the months of March, June, September and December, of every year, a copy certified by him to be a true copy of the entries in his book aforesaid with reference to convictions had before him, or fines, forfeitures, penalties or damages, imposed by him, during the three months ending on the last day of the month of February, May, August, or November, next preceding such second Tuesday; and he shall also append to the said copy a statement of any transactions which have taken place during the time covered by the said period with reference to any conviction made, or fine, forfeiture, penalty or damages, imposed by him during any previous period. 25 30 35

No. 86.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting Returns of Convictions
by Stipendiary and Police Magistrates.

First Reading, 18th February, 1886.

THE ATTORNEY-GENERAL.

TORONTO

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting Returns of Convictions by Stipendiary
and Police Magistrates.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. After the 1st day of January next, every Police Magis-
5 trate, *except as hereinafter mentioned, and every* Stipendiary
Magistrate shall keep, or cause to be kept, at the place
where he most usually holds his court, a book ruled in the
same manner as the form of return of convictions given
in *The Revised Act respecting Returns of Convictions and* R. S. O. c. 76.
10 *Fines by Justices of the Peace*, and shall, from time to time
enter, or cause to be entered in the said book, in respect
of convictions had before him whether the conviction is under
a law within Dominion or Provincial authority, the informa-
tion required to be given in the returns prescribed by the said
15 Revised Act.
2. In the case of a Police Magistrate the cost of the book
shall be returned to him by the municipality of which he is a
Police Magistrate ; or if he is a Police Magistrate of territory
composed of two or more municipalities, the cost shall be
20 repaid by the county, *and in case of a stipendiary magis-
trate the cost of the book shall be repaid out of the Consolidated
Revenue Fund of the Province.*
3. The required entries shall be made forthwith upon the
happening of the event in respect of which information is to
25 be given ; and in case the fine, forfeiture, penalty, or damages
imposed, is or are not collected within three months after the
imposition thereof, the cause of the same not having been
collected shall be written in the column for Observations.
4. Any person shall be at liberty to inspect the book *under*
30 *this Act* at any reasonable time upon the payment of a fee
of ten cents, ~~to~~ to be paid to the clerk, or to the magistrate, if
there is no clerk ; ~~but~~ but any person upon whom fine, for-
feiture, or penalty, or damages has or have been imposed, *or*
any person in his behalf, may at any reasonable time gratuit-
35 ously inspect the entry in respect of his conviction ; and the
book kept by *or for* a Police Magistrate shall, at all reasonable
times, be open to the gratuitous inspection of any of the
officers of the municipality.
5. In case a Police or Stipendiary Magistrate before whom
40 any conviction takes place, or who receives any such moneys,

Record of
convictions.

Cost of book
in which
record kept.

When entries
to be made.

Record to be
open to in-
spection.

Penalty.

neglects to make, or cause to be made, the proper entry in respect thereto for more than one month after the conviction takes place, or after the receipt of money paid him in respect of the imposition of a fine, forfeiture, penalty or damages, such magistrate shall forfeit and pay the sum of \$80, together with full costs of suit, to be recovered by any person who sues for the same in any Court of Record in the Province, one moiety of which sum shall be paid to the party suing and the other moiety to the Treasurer of the Province for the public use of the Province; and the provisions of section 4 of the said Revised Statute shall apply to any action brought under this section for the recovery of a penalty. 5 10

Application of
R. S. O. c. 76,
s. 1, limited.

6. The provisions of section 1 of the said statute shall not be held to apply to a Police or Stipendiary Magistrate, nor shall it be necessary that convictions by Police or Stipendiary Magistrates should be published in any newspaper; but any Police or Stipendiary Magistrate who has heretofore made returns to the clerk of the peace, in the manner prescribed by the said section, shall continue to make such returns in respect of convictions which may be had before him up to and inclusive of the 31st day of December next. 15 20

Publication of
entries.

7. The council of any municipality may at any time cause copies of such entries to be made, and may cause the same to be published in any newspaper, or newspapers, or otherwise, as may be deemed fitting. 25

Return of
convictions.

8. *Except as hereinafter mentioned*, every Police Magistrate shall forward to the clerk of the peace of the county, for which, or within which, he is Police Magistrate, and to the Inspector of legal offices at Toronto, on or before the second Tuesday in each of the months of March, June, September and December, of every year, a copy certified by him to be a true copy of the entries in his book aforesaid with reference to convictions had before him, or fines, forfeitures, penalties or damages, imposed by him, during the three months ending on the last day of the month of February, May, August, or November, next preceding such second Tuesday; and he shall also append to the said copy a statement of any transactions which have taken place during the time covered by the said period with reference to any conviction made, or fine, forfeiture, penalty or damages, imposed by him during any previous period. 30 35 40

Duties of clerk
of police court.

9. In the case of a city or town which has a salaried clerk of the police court other than the clerk of the council of the city or town, the duties directed by this Act to be performed by the Police Magistrate shall under the like penalties and within the like periods be performed by the clerk. The Police Magistrate shall supervise the performance of the said duties by the clerk. 45

Act not to
apply to
Toronto.

10. This Act shall not apply to the City of Toronto.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting Returns of Convictions
by Stipendiary and Police Magistrates.

*(Reprinted as amended by Committee
of the Whole House.)*

First Reading,	18th February, 1886.
Second “	16th March, 1886.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act respecting the Audit of Criminal Justice
Accounts payable by the Province.

WHEREAS it is desirable that constables and other officers of justice should be paid for their services as early as practicable after the same have been performed, and the present system of audit of criminal justice accounts is found productive of delay ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Lieutenant-Governor in Council may appoint a Deputy Clerk of the Crown of any Court, or some other resident of the county town of the county to be the Auditor of accounts relating to the Administration of Justice in the county, and for which the Province is liable.

2. Where such an appointment is made it shall not be requisite for the Auditors appointed under chapter 85 of the Revised Statutes of Ontario, or under section 513 of *The Consolidated Municipal Act*, to approve or audit any accounts in respect of items set out in the schedule appended to chapter 86 of the Revised Statutes, or any amendments thereof, under any of the following headings: *Sheriff, Coroner, Clerk of the Peace, and Crier*; nor in respect of the items under the headings of *Constables and Other Matters* where the accounts rendered under these headings are in respect of offences belonging to any of the following classes:

Audit of certain items dispensed with.

(a) Offences for which the parties charged had been committed or held to bail for trial at the Assizes or General Sessions.

(b) Offences for which the parties charged had been indicted at the Assizes, General Sessions or County Judge's Criminal Court.

(c) Offences of which the parties charged had been convicted before a Police or Stipendiary Magistrate, under 38 Victoria, chapter 47, of the Statutes of Canada.

3. All other accounts paid out of the county funds shall continue to be audited by the county board of auditors of the county as heretofore.

Payment of accounts by county.

4. When such an appointment as aforesaid is made, all services heretofore performed by the board of audit provided

Auditor of accounts.

for under section 2 of chapter 86 of the Revised Statutes, in respect of the approving and auditing of accounts relating to the administration of justice, and in respect of the auditing of accounts of the county attorney, for which the Province is liable, shall thereafter be performed by the auditor so appointed as aforesaid, the auditor so appointed shall, so far as the auditing of the above-mentioned accounts is concerned, be substituted for the board of audit, wherever the said board is mentioned or referred to in the said Revised Statute, chapter 85. 10

When
accounts to be
delivered to
auditor.

5. All accounts and demands to be audited by the said auditor shall be delivered in duplicate to the said auditor, on or before the first days of the months of January, April, July and October, in each year, and shall include all demands of the party rendering the same up to the time of such rendering, care being taken that one quarter's account does not run into another. 15

Form of
account.

6. Each account shall be rendered in duplicate in the form shown in Schedule A hereto, or in such other form as the Lieutenant-Governor in Council may from time to time prescribe, and shall be verified by the oath of the party (sworn before a justice of the peace, which oath shall be administered without charge), that the amount is correct in every particular, and whenever mileage is charged the places from and to which the mileage is reckoned, and also the number of miles shall be mentioned; in no case shall more than the actual number of miles travelled be allowed, nor where the service is by a sheriff's officer a greater number of miles than the distance from the court house to the place of service, and the separate items in such account shall be numbered in order. 20 25 30

Constable's
accounts to be
certified.

7. Every account of a constable shall be certified by the justice or coroner under whose direction the constable acted.

Forms to be
provided by
county.

8. Forms of account, in accordance with Schedule A, or such other forms as may be prescribed by the Lieutenant-Governor in Council, shall be provided by the county, and shall be furnished by the county treasurer to the officers requiring them on their applying therefor. 35

Powers of
auditor.

9. The auditor shall have power to call upon the claimant for any information that may be required in connection with his accounts, and for a reference to the authority for the charges made, and may administer an oath to the claimant or any other person giving evidence in respect of the claim, but shall make no charge therefor. 40

Duties of
auditor.

10. It shall be the duty of the said auditor to audit each account on receipt thereof, or as soon thereafter as he reasonably can, and in the presence of the claimant if he so desires; the auditor shall note with red ink in the proper column of the account the item or items disallowed or deferred for further inquiry, distinguishing those disallowed from those deferred, and he shall forthwith, after audit, transmit one of the duplicates of each account to the clerk of criminal justice accounts at Toronto, having first endorsed on such account a certificate showing the amount found to be due to the claimant. 45 50

13. This Act shall not apply to accounts rendered for services performed prior to the first day of July next.

(Referred to in Sections 5 and 7).

Constable of the County of

Date of Service.	Number of Items.	Nature of Service.	Amount claimed by official.	Deferred for further inquiry.	Dis-allowed.	Amount payable by the govern-ment.

No. 87.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Audit of Criminal
Justice Accounts payable by the Province.

First Reading, , 1886.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act respecting the Audit of Criminal Justice
Accounts payable by the Province.

WHEREAS it is desirable that constables and other officers of justice should be paid for their services as early as practicable after the same have been performed, and the present system of audit of criminal justice accounts is found productive of delay ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Lieutenant-Governor in Council may appoint a Deputy Clerk of the Crown of any Court, or some other *public officer* resident in the county town of the county to be the Auditor of those accounts relating to the Administration of Justice in the county, for which the Province is liable.

Auditors in Counties.

2. Where such an appointment is made it shall not be requisite for the Auditors appointed under chapter 85 of the Revised Statutes of Ontario, or under section 513 of *The Consolidated Municipal Act*, to approve or audit any accounts in respect of items set out in the schedule appended to chapter 86 of the Revised Statutes, or any amendments thereof, under any of the following headings : *Sheriff, Coroner, Clerk of the Peace, and Crier* ;

Audit of certain items dispensed with.

Nor in respect of the items under the heading of *Constables* where the accounts rendered under these headings are in respect of offences belonging to any of the following classes :

- (a) Offences for which the parties charged had been committed or held to bail for trial at the Assizes or General Sessions.
- (b) Offences for which the parties charged had been indicted at the Assizes, General Sessions or County Judge's Criminal Court.
- (c) Offences of which the parties charged had been convicted before a Police or Stipendiary Magistrate, under 38 Victoria, chapter 47, of the Statutes of Canada ;

Nor in respect of fees to gaol surgeons under the heading *Other Matters* in the said schedule, or under 44 Victoria, chapter 8, section 3, amended by 45 Victoria, chapter 11, section 10.

Payment of
accounts by
county.

3. All other accounts in connection with the administration of civil or criminal justice which, under chapters 84 and 85 of the Revised Statutes or otherwise, are paid out of the county funds, shall continue to be audited by the county board of auditors of the county.

5

Auditor of
accounts.

4. When such an appointment as aforesaid is made, all services heretofore performed by the board of audit provided for under section 2 of chapter 86 of the Revised Statutes, in respect of the approving and auditing of accounts relating to the administration of justice, and in respect of the auditing of accounts of the county attorney, for which the Province is liable, shall thereafter be performed by the auditor so appointed as aforesaid; the auditor so appointed shall, so far as the auditing of the above-mentioned accounts is concerned, be substituted for the board of audit, wherever the said board is mentioned or referred to in the said Revised Statute, chapter 85.

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When
accounts to be
delivered to
auditor.

5. All accounts and demands to be audited by the said auditor shall be delivered in duplicate to the said auditor, on or before the *tenth day of every month*, and shall include all demands of the *person rendering the same up to the last day of the preceding month*, care being taken that one month's account does not run into another.

20

Form of
account.

6. Each account shall be rendered in duplicate in the form shown in Schedule A hereto, or in such other form as the Lieutenant-Governor in Council may from time to time prescribe, and shall be verified by the oath of the party (sworn before a justice of the peace, which oath shall be administered without charge), that the amount is correct in every particular, and whenever mileage is charged the places from and to which the mileage is reckoned, and also the number of miles shall be mentioned; in no case shall more than the actual number of miles travelled be allowed, nor where the service is by a sheriff's officer a greater number of miles than the distance from the court house to the place of service, and the separate items in such account shall be numbered in order.

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Constable's
accounts to be
certified.

7. Every account of a constable shall be certified by the justice or coroner under whose direction the constable acted.

Forms to be
provided by
county.

8. Forms of account, in accordance with Schedule A, or such other forms as may be prescribed by the Lieutenant-Governor in Council, shall be provided by the county, and shall be furnished by the county treasurer to the officers requiring them on their applying therefor.

40

Powers of
auditor.

9. The auditor shall have power to call upon the claimant for any information that may be required in connection with his accounts, and for a reference to the authority for the charges made, and may administer an oath to the claimant or any other person giving evidence in respect of the claim, but shall make no charge therefor.

45

Duties of
auditor.

10. It shall be the duty of the said auditor to audit each account on receipt thereof, or as soon thereafter as he reasonably can, and in the presence of the claimant if he so desires; the

50

auditor shall note with red ink in the proper column of the account the item or items disallowed or deferred for further inquiry, distinguishing those disallowed from those deferred, and he shall forthwith, after audit, transmit one of the duplicates of each account to the *county treasurer*, having first endorsed on such account a certificate showing the amount found to be due to the claimant.

11. The treasurer of the county shall pay the accounts so approved and take receipts therefor, and shall transmit the *received accounts, with a proper Statement of account* to the clerk of criminal justice accounts at Toronto to be kept on file in the proper department, and warrants shall be issued for the amount of such payments to the county treasurer quarterly as hitherto.
- 15 *(a)* But the Treasurer of the Province may disallow any sums which have been improperly allowed by the auditor and (unless the same are disallowed because payable by the County and not the Province) in case the same are paid meanwhile by the County Treasurer, he shall deduct the same from any moneys which may within a year next thereafter be payable by the County to the persons to whom the payment was erroneously made; and if no moneys shall be so payable, or not sufficient, the Province shall make good to the County the amount or the deficiency, as the case may be.
- 25 12. This Act shall not apply to accounts rendered for services performed prior to the first day of July next.

Transmission of accounts to Clerk of Criminal Justice accounts.

Application of Act.

SCHEDULE A.

(Referred to in Sections 5 and 7).

Province of Ontario,

Dr. to A. B.,

Constable of the County of

Date of Service.	Number of Items.	Nature of Service.	Amount claimed by official.	Deferred for further inquiry.	Dis-allowed.	Amount payable by the govern-ment.

~~22~~ I hereby certify that the above services were duly performed by Constable _____ under my directions, and that the said prisoner was committed by me for trial at the assizes (or as the case may be).

F. G.,

Justice of the Peace for the above County.

(Affidavit on back.)

County of _____ } I _____ of _____ make oath and
 To Wit; } say :—

(1) That the within account of services performed by me is true in every particular.*

(2) That I have not been paid any portion of the charges, nor has any other person to my knowledge received payment for me or on my behalf, nor has any other person to my knowledge rendered a similar account for the same services.

(3) That to perform the said services I necessarily travelled the distances in the account mentioned.

Sworn before me at _____ in the County of _____
 this _____ day of _____ A. D. 188 _____

~~22~~ [*Where special explanations are given, add : (4) "and that the explanatory statements written upon the said account are true in every particular."] ~~27~~

Endorsement on back of Account.	January, 1887.	County of Grey.	Account of A.B.,	Constable.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Audit of Criminal
Justice Accounts payable by the Province.

*(Reprinted as amended by Committee of
the Whole House.*

First Reading,	18th February,	1886.
Second "	4th March,	1886.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WATKINS & SONS, 26 AND 28 FRONT ST. W.

An Act to Prevent Minors Frequenting Billiard Rooms
and other Places.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. This Act may be cited as the "*Minors' Preventive Act*, Short title.
5 1886."

2. The keeper of a billiard, pool or bagatelle room, or table, Amount of
or bowling-alley, who admits a minor thereto without the fine on first
written consent of his parent or guardian shall be subject to and subse-
quent offence ;
a fine of \$10, for the first, and \$20 for each subsequent offence, how recover-
able ; one-half
10 to be imposed by any Justice of the Peace, one-half of which to informer.
fine shall go to the informer.

3. In every such room there shall be posted in a conspi- Copy of this
cious place, and so kept posted, a copy of this Act, printed in Act to be
Roman letters of fair size, and for each day's neglect in so posted in
billiard-
15 doing, the owner, or proprietor, or either of them, shall be rooms, etc
liable to a penalty of \$10 per day to any one suing therefor,
and such penalty shall be a lien on the tables and furniture in
such room until paid.

4. Every minor contravening this Act, after having been Penalties on
20 duly warned not to do so, shall be liable to a like fine as the minors.
proprietor, or if the parent or guardian so elect, to corporal
punishment, to be awarded by the Magistrate, and inflicted by
the parent or guardian.

No. 88.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to prevent Minors frequenting
Billiard and other Places.

First Reading, 19th February, 1886.

MR. WOOD.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Prevent Minors Frequenting Billiard Rooms
and other Places.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. This Act may be cited as "*The Minors' Preventive Act*, Short title.
5 1886."

2. The keeper of a billiard, pool or bagatelle room, who directly or indirectly keeps the same for hire or gain, admitting a minor under the age of sixteen years thereto, or allowing him to remain therein, without the written consent of his parent or guardian, shall be subject to a fine of \$10, for the first, and \$20 for each subsequent offence, to be imposed by any Justice of the Peace, one-half of which fine shall go to the informer.

Fine on first and subsequent offence; how recoverable; one-half to informer.

3. In every such room there shall be posted in a conspicuous place, and so kept posted, a copy of this Act, printed in not less size than Roman Pica type, and for each day's neglect in so doing, the owner, or proprietor, or either of them, shall be liable to a penalty of \$5 per day to any one suing therefor, in a Court of competent jurisdiction.

Copy of this Act to be posted in billiard-rooms, etc

4. This Act is to come into force on the first day of July next.

Commencement of Act.

No 88.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to prevent Minors frequenting
Billiard Rooms and other Places.

(Reprinted as amended by Select Committee.)

First Reading,	19th February, 1886.
Second “	10th March, 1886.







Mr. WOOD.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Prevent Minors Frequenting Billiard Rooms
and other Places.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. The keeper of a *licensed* billiard, pool or bagatelle room, Fine on first and subsequent offence; how recoverable; one-half to informer.
- 5  who directly or indirectly keeps the same for hire or gain, admitting a minor under the age of sixteen years thereto, or allowing him to remain therein,  without the consent of his parent or guardian, shall be subject to a fine of *not exceeding* \$10, for the first, and *not exceeding* \$20 for each subsequent
- 10 offence, to be imposed by any Justice of the Peace, one-half of which fine shall go to the informer;  provided always that this section shall not apply to a minor who is a member of the family of the keeper or his servant, or who does not go to the billiard, pool or bagatelle room for the purpose of loitering, or
- 15 to play billiards, pool or bagatelle therein; nor shall this section apply to any case where the keeper, in the opinion of the Justice of the Peace, had reasonable cause to believe that such consent had been given by the parent or guardian, or that such minor was not under the age of sixteen years. 
- 20  2. This Act is to come into force on the first day of Commencement of Act.
January next. 

No. 88.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to prevent Minors frequenting
Billiard Rooms and other Places.

*(Reprinted as amended by Committee of
the Whole House.)*

First Reading, 19th February, 1886.
Second " 10th March, 1886.

Mr. WOOD.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act Respecting Gas and Water Companies.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. When any Gas or Water Company is, by its Act of Incorporation, or any other statutory enactment, or by any agreement with any municipality, prohibited from declaring dividends beyond a certain rate per centum per annum upon the paid up capital stock of the Company, or is restricted in any other manner as to making or accumulating profits, or declaring dividends, dividing profits, or declaring bonuses to its shareholders, it shall not be lawful for any such Gas or Water Company to increase its capital stock beyond the actual requirements of the Company, or by the issue of paid up shares to be divided amongst its shareholders, or by any other device to increase the amount of its interest or dividend bearing capital; and no dividend shall be declared by any such Company, except upon the *bona fide* paid up shares of the capital stock of the Company, and no bonus shall be declared by any such Company for division among the shareholders or subscribers to the capital stock thereof.

Restriction as to increase of capital.

2. It shall not be lawful for any such Gas or Water Company, or the directors thereof, to establish, accumulate or put aside a rest or reserve fund exceeding in amount twenty-five per cent. of the actual paid up capital stock of the Company, and when the rest or reserve fund shall have reached the limit fixed by this Act, the Company shall lower the price of gas or water, as the case may be, to the consumers, takers or users; so that the annual profits of the Company, from all sources, shall not exceed working expenses, a reasonable sinking fund for the repair and the renewal of plant, and the amount required to provide the dividends at the rate limited on the paid up capital stock of the Company.

Limitation as to reserve fund.

3. Every such Gas or Water Company shall annually comply with the provisions of section 49 of chapter 150 of the Revised Statutes of the Province of Ontario, *The Ontario Joint Stock Companies Letters Patent Act*, as if the said section formed part of its charter of incorporation, and shall be liable to penalties for non-compliance, in the same manner, and to the same extent as a Company incorporated under the said Act; and shall also furnish to the Provincial Secretary, with the statement required by the said section, a copy of its last annual statement of assets and liabilities duly verified by the affidavit of its President or Secretary.

Returns by company.

Issue of commission of inquiry by Lieutenant-Governor.

4. In case the Council of any municipality within the limits of which any such Gas or Water Company carries on the business of supplying gas or water, as the case may be, petitions for a commission to issue under the great Seal to inquire into the financial affairs of the Company, and things 5 connected therewith, alleging that the Company is charging a higher rate for gas or water supplied to the consumers than should be charged therefor, regard being had to the provisions of this Act, or any other Statutory enactment, or any agreement relating to the Company; and if any sufficient cause is shown, 10 the Lieutenant-Governor in Council may issue a commission accordingly. And the Commissioner or Commissioners, or such one or more of them, as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents, and 15 to give evidence as any Court has in civil cases.

Expenses of commission to be paid by corporation.

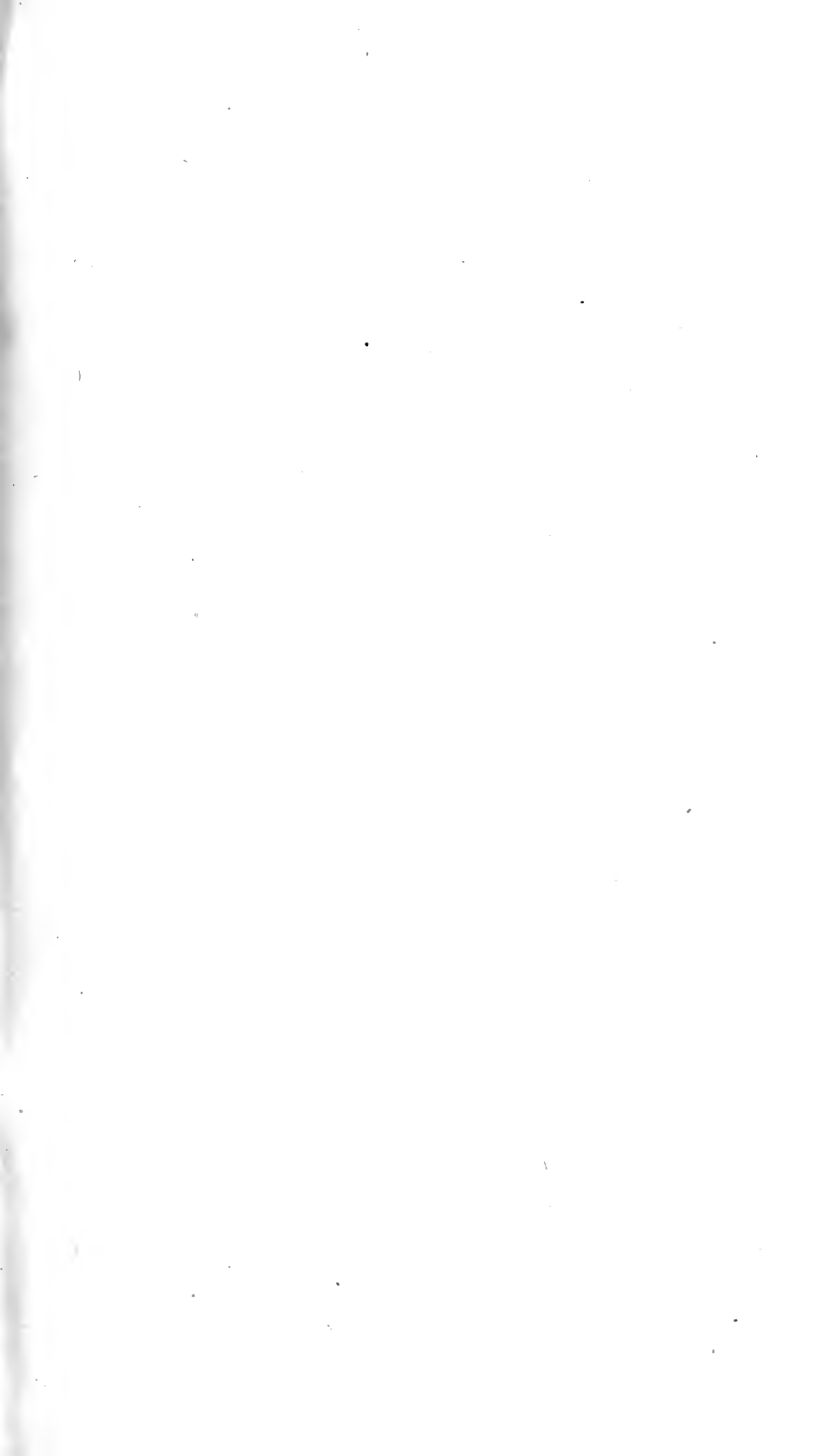
5. The expenses to be allowed for executing the commission shall be determined and certified by the Treasurer of Ontario, and shall thenceforth become a debt due to the Commissioner or Commissioners by the Corporation, and shall be payable 20 within three months after demand thereof, made by the Commissioners, or by any one of the Commissioners at the office of the Treasurer of the Corporation.

Recovery of expenses from company.

6. In any case when it shall appear on the report of the Commissioner or Commissioners that any such Gas or Water 25 Company has wilfully and knowingly contravened or evaded the provisions of this, or any other Act or agreement limiting the profits or dividends of such Company, the municipality petitioning for the Commission shall be entitled to be paid by the Company, within one month after demand made, all the 30 costs, charges and expenses which such municipality may have incurred, suffered, or been put to, by reason of, or in connection with such Commission and inquiry, including any amount paid to the Commissioner or Commissioners, and in the event of the refusal or neglect of the Company to pay the same after 35 demand made as aforesaid, the same shall be recoverable by the municipality from the Company, in any Court of competent jurisdiction.

Rates of dividend, limited.

7. No Gas or Water Company incorporated under the provisions of chapter 157 of *The Revised Statutes of Ontario* and 40 amending Acts shall, in any year, declare a dividend, or dividends to exceed in the whole ten per cent. per annum, upon the actual paid up capital stock of the Company, but the dividends may be made payable in quarterly or half-yearly payments or instalments, in the discretion of the Directors of the 45 Company, duly declared by by-law for that purpose.



No. 89.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting Gas and Water Companies.

First Reading, 19th February, 1886.

MR. FREEMAN.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Estates of Deceased Persons.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as *The Devolution of Estates Act*, Short title.
5 1886.

2. This Act shall commence on the 1st day of July, 1886, Commence-
and shall apply only to the estates of persons dying on or after ment of Act.
that date.

3. Subject as above this Act shall apply :—

Application
of Act.

10 (a) To all estates of inheritance in fee simple, or limited to
the heir as special occupant, in any tenements or
hereditaments in Ontario, whether corporeal or
incorporeal.

(b) To chattels real in Ontario.

15 (c) To all other personal property of any person who has
died domiciled in Ontario.

20 Provided, that all real or personal property comprised in any
disposition made by will in exercise of a general testamentary
power of appointment shall be deemed to be within the provi-
sions of this section, if otherwise applicable.

4. All such property as aforesaid which is vested in any Person, or is comprised in any such disposition as afore-
said made by him, shall on his death, notwithstanding any
testamentary disposition, devolve upon and become vested in
25 his legal personal representatives from time to time,
and subject to the payment of his debts; and so far as
the said property is not disposed of by deed, will, contract or
other effectual disposition, the same shall be distributed as per-
sonal property not so disposed of is hereafter to be distributed.

Property to
devolve on
personal repre-
sentative.

30 (a) Nothing in this Act shall be construed to take away a
widow's right to dower; but a widow may by deed or instru-
ment in writing, attested by at least one witness, elect to take
her interest under this section in her husband's undisposed of
real estate, in lieu of all claims to dower in respect of real estate
35 of which her husband was at any time seized, or to which
at the time of his death he was beneficially entitled; and unless
she so elects she shall not be entitled to share under this sec-
tion in the undisposed of real estate aforesaid.

Saving as to
dower.

Saving as to husband's interest in property of wife.

(b) Any husband who, if this Act had not passed, would be entitled to an interest as tenant by the curtesy in any real estate of his wife, may by deed or instrument in writing executed within six calendar months after his wife's death, and attested by at least one witness, elect to take such interest 5 in the real and personal property of his deceased wife as he would have taken if this Act had not passed, in which case the husband's interest therein shall be ascertained in all respects as if this Act had not passed, and he shall be entitled to no further interest under this Act. 10

Administrator to give security.

(c) Where any person applies to be appointed an administrator with the will annexed, and a bond is by law required to be given, he shall in his application state, and in his affidavit depose to, the particulars of the real estate of the testator, and the value or probable value thereof; 15 and the bond to be given by such person shall, as respects the amount of the penalty and the justification of the sureties, include the amount of the value or probable value aforesaid; and the condition of the bond in addition to the other provisions thereof, shall provide that the administrator 20 shall well and truly pay over and account for, to the person or persons entitled to the same, all moneys and assets to be received by him for and in respect of such real estate. See R. S. O. c. 46, s. 53; R. S. O. c. 127, ss. 23 and 24.

(d) Sections 61 and 62 of *The Surrogate Act* are hereby 25 amended by inserting the words "real and," before the word "personal," wherever that word occurs in the said sections.

(e) The fees mentioned in Schedule B of the same Act, shall, as hitherto, be based on the amount of personal property only.

Distribution of property of married woman dying intestate.

5. The real and personal property of a married woman in 30 respect of which she has died intestate, shall be distributed as follows: one-third to her husband if she leave issue, and one-half if she leave none; and subject thereto, shall go and devolve as if her husband had pre-deceased her.

Distribution of estate of person dying intestate and without issue.

6. When a person shall die without leaving issue, and intestate as to the whole or any part of his real or personal property, 35 his father surviving shall not be entitled to any greater share under the intestacy than his mother or any brother or sister surviving; nor shall a grand-father or grand-mother of a person dying intestate share in competition with a surviving father, 40 mother, brother or sister.

Application of property in payment of debts.

7. The real and personal property of a deceased person comprised in any residuary devise or bequest shall (except so far as a contrary intention shall appear from his will or any codicil thereto) be applicable ratably, according to their respective 45 values, to the payment of his debts.

8. Where infants are concerned in real estate which but for this Act would not devolve on executors or administrators, no sale or conveyance shall be valid under this Act without the written consent or approval of the Official Guardian of infants 50 appointed under *The Ontario Judicature Act, 1881*, or in the absence of such consent or approval without an order of the High Court. 44 Vict. c. 5, s. 66. R. S. O.

9. (Subject as hereinbefore provided,), the legal personal representatives from time to time of a deceased person shall have power to dispose of and otherwise deal with all real property vested in them by virtue of this Act, with all the like incidents, but subject to all the like rights, equities, and obligations, as if the same were personal property vested in them. See R. S. O. c. 127, ss. 17-27.

Power of personal representative over real property

No. 91.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Estates of Deceased
Persons.

First Reading, 19th February, 1886.

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Estates of Deceased Persons.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Devolution of Estates* Short title.
5 *Act, 1886.*"

2. This Act shall commence on the 1st day of July, 1886, Commence-
and shall apply only to the estates of persons dying on or after ment of Act.
that date.

3. Subject as above this Act shall apply:—

Application
of Act.

- 10 (a) To all estates of inheritance in fee simple, or limited to
the heir as special occupant, in any tenements or
hereditaments in Ontario, whether corporeal or
incorporeal
- (b) To chattels real in Ontario.
- 15 (c) To all other personal property of any person who has
died domiciled in Ontario.

Provided, that all real or personal property comprised in any
disposition made by will in exercise of a general testamentary
power of appointment shall be deemed to be within the provi-
20 sions of this section, if otherwise applicable.

4.—(1) All such property as aforesaid which is vested in
any person, or is comprised in any such disposition as afore-
said made by him, shall on his death, notwithstanding any
testamentary disposition, devolve upon and become vested in
25 his legal personal representatives from time to time,
and subject to the payment of his debts; and so far as
the said property is not disposed of by deed, will, contract or
other effectual disposition, the same shall be distributed as per-
sonal property not so disposed of is hereafter to be distributed.

Property to
devolve on
personal repre-
sentative.

30 (2) Nothing in this Act shall be construed to take away a
widow's right to dower; but a widow may by deed or instru-
ment in writing, attested by at least one witness, elect to take
her interest under this section in her husband's undisposed of
real estate, in lieu of all claims to dower in respect of real estate
35 of which her husband was at any time seised, or to which
at the time of his death he was beneficially entitled; and unless
she so elects she shall not be entitled to share under this sec-
tion in the undisposed of real estate aforesaid.

Saving as to
dower.

Saving as to husband's interest in property of wife.

(3) Any husband who, if this Act had not passed, would be entitled to an interest as tenant by the curtesy in any real estate of his wife, may by deed or instrument in writing executed within six calendar months after his wife's death, and attested by at least one witness, elect to take such interest in the real and personal property of his deceased wife as he would have taken if this Act had not passed, in which case the husband's interest therein shall be ascertained in all respects as if this Act had not passed, and he shall be entitled to no further interest under this Act.

Administrators to give security.

(4) Where any person applies to be appointed an administrator, and the administration applied for is a general administration, the application and the affidavit in support thereof shall show the particulars of the real estate of the deceased; and the value or probable value thereof, and the amount of the security to be given, shall have reference to such value as well as to the value of the other estate of the deceased.

R. S. O. c. 46, ss. 61 and 62, amended.

(5) Sections 61 and 62 of *The Surrogate Courts Act* are hereby amended by inserting the words "real and," before the word "personal," wherever that word occurs in the said sections.

Fees.

(6) The fees payable on proceedings under the said Act, shall, as hitherto, be based on the amount of what before this Act was personal property.

Distribution of property of married woman dying intestate.

5. The real and personal property of a married woman in respect of which she has died intestate, shall be distributed as follows: one-third to her husband if she leave issue, and one-half if she leave none; and subject thereto, shall go and devolve as if her husband had pre-deceased her.

Distribution of estate of person dying intestate and without issue.

6. When a person shall die without leaving issue, and intestate as to the whole or any part of his real or personal property, his father surviving shall not be entitled to any greater share under the intestacy than his mother or any brother or sister surviving; nor shall a grand-father or grand-mother of a person dying intestate share in competition with a surviving father, mother, brother or sister.

Application of property in payment of debts.

7. The real and personal property of a deceased person comprised in any residuary devise or bequest shall (except so far as a contrary intention shall appear from his will or any codicil thereto) be applicable ratably, according to their respective values, to the payment of his debts.

Sale of infants' estate.

8.—(1) Where infants are concerned in real estate which but for this Act would not devolve on executors or administrators, no sale or conveyance shall be valid under this Act without the written consent or approval of the Official Guardian of infants appointed under *The Ontario Judicature Act, 1881*, or in the absence of such consent or approval without an order of the High Court of Justice. 44 Vict. c. 5, s. 66. R. S. O.

Local Guardians in out-countries.

(2) The High Court of Justice may appoint the Local Judge of any county or the Local Master therein, as Local Guardian of Infants, in such county during the pleasure of the Court, with authority to give such written consent or approval as aforesaid instead of the Official Guardian; and the Official Guardian and Local Guardian shall be subject to such general

orders as the said High Court may from time to time make in regard to their authority and duty under this Act. ~~and~~

9. (Subject as hereinbefore provided,) the legal personal representatives from time to time of a deceased person shall Power of personal representative over real property.
 5 have power to dispose of and otherwise deal with all real property vested in them by virtue of this Act, with all the like incidents, but subject to all the like rights, equities, and obligations, as if the same were personal property vested in them.
 See R. S. O. c. 127, ss. 17-27.

No. 91.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Estates of Deceased
Persons.

*(Reprinted as amended by Committee of
the Whole House.)*

First Reading,	19th February,	1886.
Second	"	4th March, 1886.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to Enable the Trustees of St. Andrew's Church,
Peterborough, to Sell or Mortgage Certain Lands.

WHEREAS the elders and managers of the congregation of St. Andrew's Presbyterian Church in the Town of Peterborough, by their petition have shown that lot lettered F fronting on Brock Street, and lots numbers 12 and 13, north of Brock Street, and west of George Street, in the Town of Peterborough, are vested in fee simple in trustees to hold the same respectively as a site for a church, and a glebe for the clergyman thereof; and also that the said congregation has erected a "new" church upon said lot F; and also that a sum of about \$11,000 over the amount already subscribed will be required to defray the expense of the said church, and furnishings thereof; and have prayed that the said trustees may be empowered to raise such sum by a sale, or mortgage of said land, or parts thereof; and whereas it is expedient to grant the prayer of the said petition :

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The trustees of the said lands or their successors, or a majority of them, shall have full power to sell the said lots 12 and 13, or any portion or portions thereof, either by public auction, or private sale, and in such parcels, and for such sum or sums as may to them seem reasonable, and to execute and deliver a conveyance or conveyances thereof to the purchaser, or purchasers, "subject to the existing rights of the lessees thereof," and to borrow a sum, or sums of money not to exceed in the aggregate \$8,000, and to secure the repayment of the same, together with interest thereon at such rate as may be agreed upon by a mortgage or mortgages of said lot F, or a part thereof.

2. Unless and until a sale of said lots 12 and 13, or a part thereof is effected, the said trustees, or their successors, or a majority of them shall have full power to borrow a sum or sums of money, not to exceed, in the aggregate, \$12,000, and to secure the repayment thereof, together with the interest thereon, at such rate as may be agreed upon by a mortgage, or mortgages upon said lots 12 and 13, and lot "F" or any portion or portions thereof.

3. The said trustees, or their successors, or a majority of them shall have full power as occasion may require, to make a new mortgage or mortgages for the purpose of paying off any mortgage or mortgages which may be executed as herein provided.

4. The money realized by sale or mortgage under the Application of authority given by section 1 and 2 hereof shall be applied moneys. in payment of the balance required as aforesaid, to complete the said church with furnishings, but nevertheless no purchaser or mortgagee shall be liable to see that his purchase money or loan is so applied.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to enable the Trustees of St. Andrew's Church, Peterborough, to Sell or Mortgage Certain Lands.

First Reading, 22nd February, 1886.

(Private Bill.)

Mr. CARNEGIE.

TORONTO:

PRINTED BY WARREN & SONS, 26 AND 28 FRONT ST. W.

An Act to Enable the Trustees of St. Andrew's Church,
Peterborough, to Sell or Mortgage Certain Lands.

WHEREAS the elders and managers of the congregation of Preamble.
St. Andrew's Presbyterian Church in the Town of Peter-
borough, by their petition have shown that lot lettered F
fronting on Brock Street, and lots numbers 12 and 13, north of
5 Brock Street, and west of George Street, in the Town of Peter-
borough, *were originally acquired by grant from the Crown for*
the site of a church and glebe and are now vested in fee simple
in trustees to hold the same respectively as a site for a church,
and a glebe for the clergyman thereof; and also that the said
10 congregation has erected a "new" church upon said lot F; and
also that a sum of about \$11,000 over the amount already sub-
scribed will be required to defray the expense of the said
church, and furnishings thereof; and have prayed that the said
trustees may be empowered to raise such sum by a sale, or
mortgage of said land, or parts thereof; and whereas it is
15 expedient to grant the prayer of the said petition:

Therefore Her Majesty, by and with the advice and consent
of the Legislative Assembly of the Province of Ontario, enacts
as follows:—

20 1. The trustees of the said lands or their successors, or a Power to sell.
majority of them, shall have full power to sell the said lots
12 and 13, or any portion or portions thereof, either by public
auction, or private sale, and in such parcels, and for such sum
or sums as may to them seem reasonable, and to execute and
deliver a conveyance or conveyances thereof to the purchaser,
25 or purchasers, "subject to the existing rights of the lessees
thereof," and to borrow a sum, or sums of money not to exceed
in the aggregate \$8,000, and to secure the repayment of the
same, together with interest thereon at such rate as may be
agreed upon by a mortgage or mortgages of said lot F, or a
30 part thereof.

2. Unless and until a sale of said lots 12 and 13, or a part Power to
thereof is effected, the said trustees, or their successors, or a mortgage.
majority of them shall have full power to borrow a sum or
sums of money, not to exceed, in the aggregate, \$12,000, and
35 to secure the repayment thereof, together with the interest
thereon, at such rate as may be agreed upon by a mortgage,
or mortgages upon said lots 12 and 13, and lot "F" or any
portion or portions thereof.

40 3. The said trustees, or their successors, or a majority of Power to make
them shall have full power as occasion may require, to make a further mort-
new mortgage or mortgages for the purpose of paying off any gages.

mortgage or mortgages which may be executed as herein provided.

4. The money realized by sale or mortgage under the authority given by sections 1 and 2 hereof shall be applied ^{Application of} in payment of the balance required as aforesaid, to complete ^{moneys.} the said church with furnishings, but nevertheless no purchaser or mortgagee shall be liable to see that his purchase money or loan is so applied.

No. 92.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to enable the Trustees of St. Andrew's Church, Peterborough, to Sell or Mortgage Certain Lands.

(Reprinted as amended by Private Bills Committee.)

First Reading, 22nd February, 1886.

(Private Bill.)

Mr. CARNEGIE.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to regulate the Width of Sleighs to be used
on Public Highways.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. No sled, sleigh or other vehicle upon runners, except
5 cutters or pleasure sleighs drawn by horses or other animals, shall be used for the conveyance of persons or goods, on any of
the roads or highways of this Province (except in cities and
towns), unless the runners thereof shall be apart from each
other at the bottom, at least three feet nine inches. Construction
of sleigh
runners.
- 10 2. Any person violating the provisions of the preceding
section of this Act shall, upon conviction thereof, before a
police magistrate or justice of the peace, be liable to a fine of
not more than \$5 and costs, to be levied by distress or imprison-
ment, as in cases under *The Act respecting the duties of Justices
of the Peace out of sessions*, in relation to summary convictions,
15 and orders. Penalty.
3. This Act shall come into force on the 1st day of November,
in the year of our Lord 1890. Commence-
ment of Act.

No. 93.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to regulate the Width of Sleighs to
be used on Public Highways.

First Reading, 22nd February, 1886.

Mr. Bishop.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to further amend the Law for the Protection of Game and Fur-bearing Animals.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 2 of the Act passed in the 43rd year of Her Majesty's reign, and chaptered 31, is hereby repealed, and the following substituted therefor : 43 V. c. 31, s. 2, repealed.

2—(1) None of the animals or birds hereinafter mentioned, shall be hunted, taken, or killed within the period hereinafter limited ; (1) deer, elk, moose, reindeer or cariboo, between the fifteenth day of December, and the first day of October ; (2) grouse, pheasant, prairie fowl, partridge, woodcock, snipe, water fowl known as mallard, gray duck, black duck, wood or summer duck, between the first day of January and the first day of September ; (3) other ducks, swans or geese, between the first day of May and the first day of August ; (4) wild turkeys or quail, between the first day of January and the first day of October ; (5) hares, between the first day of March and the first day of September ; (6) wild turkeys and prairie fowl to be protected during the whole year, for three years. Close period.

(2) No person shall at any time anchor or place decoy ducks in open water, lakes or bays, at a greater distance than fifty yards from the beach or shore of such open water, lakes or bays ; and in case of swampy shores or where rushes or other natural growth in the water is sufficient to form a natural place of concealment for the sportsman, then not more than fifty yards from such natural place of concealment.

(3) No shooting of duck of any kind shall take place after sunset in the evening, or before daybreak in the morning.

2. Section 15 of the said Act is hereby repealed, and the following is substituted therefor : 43 V. c. 31, s. 15, repealed.

15—(1) The Commissioner of Crown Lands shall have the power of appointing officers to see to the observance of this Act, and of any other Act which may hereafter be passed relating to game and fur-bearing animals in this Province. Appointment of game inspectors and their duties and powers.

(2) In future no person except farmers shall, at any time, hunt within the meaning of this Act, without being authorized thereto by a license to that effect.

(3) A permit to be countersigned by the game Inspector of the district or division may, upon payment of a fee of \$25, be granted by the Commissioner of Crown Lands to any person not domiciled in the Provinces of Ontario and Quebec, and

upon payment of the sum of \$2 by any person domiciled in the Provinces of Ontario and Quebec, who applies to him therefor, and shall be valid for the whole of one season's shooting.

(4) Every wood-ranger appointed by the Commissioner of Crown Lands, while in office, as such shall be *ex-officio* game Inspector for the division under his superintendence, and shall not be entitled to any additional salary for such services. 5

(5) The Commissioner of Crown Lands may also appoint as game Inspectors any other persons besides the wood-rangers, and assign to them such territory or division as he may think proper under the circumstances. 10

(6) Every game Inspector shall, during the last days of the month, forward to the Crown Lands Department a report of his proceedings during the month, and of the infringements of the law which have come to his knowledge during the same period. 15

(7) It shall be the duty of every such game Inspector appointed as aforesaid, forthwith to seize all animals or portions of animals in the possession of any person contrary to the provisions of this Act, and to bring the person in possession of the same before a justice of the peace, to answer for such illegal possession. 20

(8) It shall also be the duty of every such game Inspector, to institute prosecutions against all persons found infringing the provisions of this Act, or any of them, and every such Inspector may cause to be opened, or may himself open in case of refusal, any bag, parcel, chest, box, trunk, or receptacle in which he has reason to believe that game killed or taken during the close season, or peltries out of season, are hidden. 25 30

(9) Every such Inspector, if he has reason to suspect, and does suspect that game killed or taken during the close season, or peltries out of season, are contained or kept in any private house, shed, or other buildings, shall make a deposition in the Form A annexed to this Act, and demand a search warrant to search such store, private house, shed, or other building, and thereupon such justice of the peace is bound to issue, and shall be justified in issuing, a search warrant according to Form B. 35

FORM A.

I, _____ undersigned game Inspector for _____ do hereby declare that I have reason to suspect, and do suspect, that game killed or taken during the close season, or furs out of season, etc., etc., (as the case may be) are at present held and concealed (describe the property, occupant, etc., and the place).

Wherefore I pray that a warrant may be granted and given to me to effect the necessary searches (describe here the property, etc., as above).

Sworn before me at
this _____

day of
A. D. 18
L. B.
J. P. }

X. Y.
Game Inspector.

FORM B.

Province of Ontario, }
 County of }

To each and every the constables of
 County of

Whereas, Game Inspector for
 has this day declared under oath before me, the
 undersigned, that he has reason to suspect that (game, or birds killed or
 taken during the close season, or furs out of season, etc., as the case
 may be) are at present held and concealed, (describe property, occupant,
 place, etc.)

Therefore, you are commanded by these presents in the name of Her
 Majesty, to assist the said Game Inspector,
 and to diligently help him to make the necessary searches to find the
 (state the birds or game killed or taken during the close season, or furs out of
 season, etc.,) which he has reason to suspect and does suspect to be held
 and concealed in (describe the property, etc., as above) and to deliver, if
 need there be, the said birds, etc., (as the case may be) to the said
 Game Inspector, to be by him brought before me or before any other
 magistrate to be dealt with according to law.

Given under my hand and seal
 at County of }
 this day of }
 A. D. 18 }
 L. S.

L. B.
 J. P.

No. 94.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to further amend the Law for the
Protection of Game and Fur-bearing
Animals.

First Reading, 22nd February, 1886.

MR. BADGEROW.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to further Amend the Ditches and Water Courses Act, 1883.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following proviso is hereby added to section 3 of *The Act to Amend the Ditches and Water Courses Act, 1883*, passed in the 48th year of her Majesty's reign, chapter 47: provided always that notwithstanding more than one month may elapse prior thereto the Judge, if in his opinion, it will be more convenient for the parties to the appeal, may fix as the time and place for hearing the appeal, the same time, or a time either before or immediately after the time, and the same place fixed for the sittings of the Division Court of the Division in which the land of the owner giving the notice of appeal is situate. 48 V. c. 47, s. 3. amended.
2. Sub-section 2 of section 11 of *The Ditches and Water Courses Act, 1883*, is hereby amended by inserting after the word "appeal," in the fourth line the words "and a certified copy of the award." 46 V. c. 27, s. 11, amended.
3. The clerk of the Division Court receiving the notice of appeal under the seal of the Court, may issue subpoenas to witnesses, and the bailiff may serve the same; which subpoenas shall be in the form, as nearly as may, of those used in Division Courts; and non-attendance, or disobedience to a subpoena may be punished in the same manner as in a case in a Division Court. Compelling attendance of witnesses.

No. 95.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to further amend the Ditches and
Water Courses Act, 1883.

First Reading, 22nd February, 1886.







MR. FRENCH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act to further Amend the Ditches and Water Courses Act, 1883.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following proviso is hereby added to section 3 of *The 48 V. c. 47, s. 3, amended.*
Act to Amend the Ditches and Water Courses Act, 1883, passed in the 48th year of her Majesty's reign, chapter 47:  provided always that the Judge may, if in his opinion it will be more convenient for the parties concerned, fix as the time and place for hearing the appeal a sitting of the Division Court of the
 10 division in which the land of the person giving the notice of appeal is situate, notwithstanding the said time so fixed may be more than one month after the receiving of the said notice, and the said appeal may be heard either before or after the regular sitting of the Court. 
- 15 2. Sub-section 2 of section 11 of *The Ditches and Water Courses Act, 1883*, is hereby amended by inserting after the word "appeal," in the fourth line the words "and a certified copy of the award." *46 V. c. 27, s. 11, amended.*
- 20 3. The clerk of the Division Court receiving the notice of appeal may issue *under the seal of the Court*, subpoenas to witnesses, and the bailiff may serve the same; which subpoenas shall be in the form, as nearly as may, of those used in Division Courts; and non-attendance, or disobedience to a subpoena may be punished in the same manner as in a case in a
 25 Division Court. *Compelling attendance of witnesses.*
-  4. The following sub-section shall be added to section 14 of *The Ditches and Water Courses Act, 1883*:  *46 V. c. 27, s. 14, amended.*
-  (2) Any engineer who wilfully neglects to make the inspection required by either of the preceding two sections for thirty
 30 days' after he has received the written notice mentioned therein, shall be liable to a fine of not less than \$5 nor more than \$10, to be recovered with costs on complaint made before one of Her Majesty's Justices of the Peace having jurisdiction in the matter, and in default of payment the same shall be recoverable by
 35 distress, and every such fine shall be paid over to the Treasurer of the Municipality in which the offence arose.  *Penalty.*

No. 95.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to further amend the Ditches and
Water Courses Act, 1883.

*(Reprinted as amended by Select
Committee.)*

First Reading, 22nd February, 1886.
Second " 10th March, 1886.

Mr. FRENCH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to Amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Sections 532 and 534 of *The Consolidated Municipal Act*, 46 V. c. 18, ss. 1883, are hereby repealed, and the following substituted therefor:—
532 and 534, repealed.

532. The County Council shall have exclusive jurisdiction over all roads and bridges lying within any township, town or village of the County, and which the Council by by-law assumes with the assent of such township, town or village municipality as a County road, or bridge, until the by-law has been repealed by the Council, and over all bridges across streams separating two townships in the County, and over all bridges crossing streams or rivers over 100 feet in width, within the limits of any incorporated village in the County, and directly connecting a leading highway through the County, which has been assumed, or is maintained as a County road, and over all bridges over rivers forming, or crossing boundary lines between two municipalities.
534. When a County Council assumes by by-law any road or bridge within a township as a County road or bridge, the Council shall, with as little delay as reasonably may be, and at the expense of the County, cause the road to be planked, gravelled or macadamized, or the bridge to be built in a good and substantial manner; and further, the County Council shall cause to be built and maintained in like manner, all bridges on any river or stream over 100 feet in width, within the limits of any incorporated village in the County necessary directly to connect any leading highway through the County which has been assumed, or is maintained as a County road.
- Jurisdiction of county councils over roads and bridges.
- Roads or bridges assumed by county councils.

No. 96.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 23rd February, 1886.

Mr. LAIDLAW.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

No. 97.]

BILL.

[1886

An Act Extending the Operation of the Land Titles
Act, 1885, to the County of Perth.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. *The Land Titles Act, 1885*, shall extend to and be in 48 v. c. 22,
5 operation in the County of Perth, on and after the first day of extended to
July, 1886. County of
Perth.

2. The local referee appointed by the Judges of the High Examiner of
Court of Justice, under *The Quieting Titles Act*, shall have titles.
jurisdiction to examine titles and report on the same in the
10 said county.

No. 97.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to extend the operations of the
Land Titles Act, 1885, to the County of
Perth.

First Reading, 23rd February, 1886.

Mr. HESS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act respecting Benevolent,
Provident and other Societies.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. Section 10 of chapter 167 of the Revised Statutes of R. S. O. c.
5 Ontario is hereby repealed and the following substituted there- 167, s. 10,
for: repealed.

10. No member of a society shall in his individual capacity be liable for any debt or liability of the society, but a person Liability of members.
under the age of twenty-one years elected or admitted as a
10 member of the society, or appointed to any office therein, shall
be liable to the payment of fees and otherwise under the rules
of the society, as if he were of full age.

No. 98.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Act respecting
Benevolent, Provident and other Societies.

First Reading, 23rd February, 1886.

Mr. HARCOURT.

TORONTO

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 99.]

BILL.

[1886.]

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the ^{46 V. c. 18, s.} Legislative Assembly of the Province of Ontario, enacts ^{490, sub-s. 22} as follows:—^{amended.}

1. Sub-section 22 of section 490 of *The Consolidated Municipal Act, 1883*, is hereby amended by inserting after the word
5 "licensing" in the first line thereof the words, "Roller Skating Rinks and other places of amusement of the same character and"

No. 99.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 24th February, 1886.

MR. RAYSIDE.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 100.]

BILL.

[1886.

An Act to amend the Act respecting Snow Fences.

HER MAJESTY, by and with the advice and consent of the
Legislative Assmbly of the Province of Ontario, enacts
as follows :—

1. Section 1 of *The Act respecting Snow Fences*, passed in ^{44 V. c. 26, s.}
5 the 44th year of Her Majesty's reign, and chaptered 26 is ^{1, amended.}
hereby amended by adding the following sub-section thereto :

(2) The Municipal Council of every township may pass
by-laws granting to the owners or occupants of the lands
adjacent to the public highway the liberty to occupy a strip
10 of the public highway not more than six feet in width :
provided the said owners or occupants erect and maintain a
wire fence, inclosing said strip of the public highway, in com-
pliance with the conditions imposed by said by-laws.

No. 100.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting Snow
Fences.

First Reading, 24th February, 1886.

Mr. McLAUGHLIN.



TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.


An Act to amend the Act respecting Snow Fences.


HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of *The Act respecting Snow Fences*, passed in 44 V. c. 26, s. 5 the 44th year of Her Majesty's reign, and chaptered 26 is 1, amended. hereby amended by adding the following sub-section thereto :

10  (2) Where in any township the owners and occupants of all the lands bordering upon the side of a public highway, or upon so much of such highway as either extends from front to rear of any concession, or lies between any two side line roads, petition the council of such township to pass, under the provisions of this section, a by-law requiring such owners and occupiers to erect and maintain a wire fence between said lands and said highway, the council shall have power to pass 15 the same, and to provide that such fence shall be so erected and maintained by such owners and occupants on and along such highway, at a uniform distance not exceeding six feet from that side thereof on which said lands border as aforesaid, and that every such owner and occupant shall have the right 20 to occupy and enjoy so much of said highway as shall be situate between said fence when erected, and his said land bordering upon said highway, so long as said fence is by him maintained, as by said by-law may be required ; and in every such case the right to occupy and enjoy a part of said highway 25 as aforesaid, shall be in lieu of and a full satisfaction of all compensation which, under any other provision of this section would require to be made to such owner or occupant, and as if the same had been agreed to by him : provided always that the provisions of this sub-section shall not apply in respect of 30 any highway or part of a highway which is less than sixty-six feet in width : provided, moreover, that for all purposes of this Act, the date of the passing of said by-law shall be taken as the time from which the two months mentioned in section 2 of this Act shall be computed. 

• 35  2. The said Act is further amended by adding the following as section 3 thereof : 

40  3. The council of every township, city, town or incorporated village, shall have power, on and after the 15th day of November in each year, to enter into and upon any lands of Her Majesty, or into and upon any lands of any corporation or person whatsoever, situate within said township, city, town or Power to enter on lands.

village, and lying along any road or public highway, in or adjoining any such municipality, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be actually suffered by the owner or owners of the lands entered upon, the amount thereof to be ascertained, if not mutually agreed upon, by arbitration, under *The Consolidated Municipal Act, 1883*: provided, always, that such snow fences so erected shall be removed on or before the first day of April following. 

No 100.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting Snow Fences.

(*Reprinted as amended by Municipal Committee.*)

First Reading,	24th February,	1886.
Second	“ 10th March,	1886.

Mr. McLAUGHLIN.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 101.]

BILL.

[1886.

An Act to amend the County Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of *The County Courts Act*, chapter 43 of the R. S. O. c. 43,
5 Revised Statutes, is hereby amended by adding thereto the s. 6, amended.
following sub-section:

(2) Provided, however, that the Clerk of the County Court, of the County of Essex, may keep an office in some convenient place in the Town of Windsor as the Judge of the Court directs.

No. 101.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the County Courts Act.

First Reading, 24th February, 1886.

Mr. WHITE.


TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the County Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 6 of *The County Courts Act*, chapter 43 of the R. S. O. c. 43, 5 Revised Statutes, is hereby amended by adding thereto the s. 6, amended. following sub-section:

(2) Provided, however, that the Clerk of the County Court, of the County of Essex, may keep an office in some convenient place in the Town of Windsor, ~~or~~ in the County of Essex, sub- 10 ject to such arrangements as the County Council of the County of Essex may assent to, and subject also to the approval thereof by the Lieutenant-Governor in Council. 

No. 101.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the County Courts Act.

*(Reprinted as amended by Select
Committee.)*

First Reading,	24th February, 1886.
Second "	10th March, 1886.

MR. WHITE.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 102.]

BILL.

]1886.

An Act to amend the Surrogate Courts Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
of follows:—

1. That section 11 of *The Surrogate Courts Act*, chapter 46, R. S. O. c. 46.
5 of the Revised Statutes, is hereby amended by adding thereto ^{s. 11,}
the following sub-section: amended.

(2) Provided, however, that the Registrar of the Surrogate
Court of the County of Essex, may keep an office in some con-
venient place in the Town of Windsor, as the Judge of the
Court may direct.

No. 102.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Surrogate Courts Act.

First Reading, 24th February, 1886.

Mr. WHITE.


TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Surrogate Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts of follows:—

1. Section 11 of *The Surrogate Courts Act*, chapter 46 R. S. O. c. 46.
5 of the Revised Statutes, is hereby amended by adding thereto s. 11,
the following sub-section: amended.

(2) Provided, however, that the Registrar of the Surrogate Court of the County of Essex, may keep an office in some convenient place in the Town of Windsor, ~~and~~ in the County of
10 Essex, subject to such arrangements as the County Council of the County of Essex may assent to, and subject also to the approval thereof by the Lieutenant-Governor in Council. 

No. 102.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Surrogate Courts Act.

(*Reprinted as amended by Select
Committee.*)

First Reading, 24th February, 1886.
Second " 10th March, 1886.

Mr. WHITE.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 103]

BILL.

[1886.

An Act to Amend the Act Respecting the Courts of
Queen's Bench and Common Pleas.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 47 of *The Act Respecting the Courts of Queen's* R. S. O. c. 39,
5 *Bench, and Common Pleas*, chapter 39 of the Revised Statutes s. 47, amended.
is hereby amended by adding thereto the following sub-
section :—

(2) Provided, however, that the Deputy Clerk of the Crown
and Pleas at Sandwich, may keep an office in some convenient
10 place in the Town of Windsor, in the County of Essex, subject
to such arrangements as the County Council of the County of
Essex may assent to, and subject also to the approval thereof by
the Lieutenant-Governor in Council.

No. 103.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting the
Courts of Queen's Bench and Common
Pleas.

First Reading, 24th February, 1886.

Mr. WHITE.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to facilitate the Quieting of Titles where the Land Titles Act is not in force.

HER MAJESTY by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. A Judge or a referee under *The Quieting Titles Act* shall, 5 in respect of any petition before him, have the like powers as the Master of Titles has under *The Land Titles Act*.
2. The rules and procedure enacted by *The Land Titles Act*, or by any rules hereafter made, shall apply, so far as may be, to proceedings under the said *Quieting Titles Act*. This 10 does not include any rules to be hereafter made which shall thereby be declared not so to apply.
3. It shall not be necessary to register a preliminary certificate under section 6 of the said *Quieting Titles Act* immediately on the petition being filed, but such certificate shall 15 be filed prior to a Certificate of Title being granted; and the certificate of the Registrar of the County, as to instruments registered affecting the land, shall be subsequently continued so as to include such preliminary certificate.
4. Nothing herein contained shall be construed to dispense 20 with supervision over referees by the Inspector of Titles, or to prevent further rules being enacted in respect thereof.
5. This Act shall not apply to the City of Toronto or County of York.

No. 104.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to facilitate the Quieting of Titles
where the Land Titles Act is not in force.

First Reading, 24th February, 1886.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to facilitate the Quieting of Titles where the
Land Titles Act is not in force.

HER MAJESTY by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. A Judge or a referee under *The Quieting Titles Act* shall, Power of judge or referee under R. S. O. c. 110.
5 in respect of any petition before him, have the like powers
as the Master of Titles has under *The Land Titles Act*.

2. The rules and procedure enacted by *The Land Titles Act*, Rules and procedure under 48 V. c. 22, to apply to proceedings under R. S. O. c. 110.
or by any rules hereafter made, shall apply, so far as may be,
to proceedings under the said *Quieting Titles Act*. This
10 does not include any rules to be hereafter made which shall
thereby be declared not so to apply.

3. It shall not be necessary to register a preliminary cer- Time for registry of certificate under R. S. O. c. 110, s. 6.
tificate under section 6 of the said *Quieting Titles Act* im-
mediately on the petition being filed, but such certificate shall
15 be filed prior to a Certificate of Title being granted ; and the
certificate of the Registrar of the County, as to instruments
registered affecting the land, shall be subsequently continued so
as to include such preliminary certificate.

4. Nothing herein contained shall be construed to dispense Supervision over referees.
20 with supervision over referees by the Inspector of Titles, or
to prevent further rules being enacted in respect thereof.

5. Section 26 of *The Quieting Titles Act* is hereby amended R. S. O. c. 110, s. 26, amended.
by adding after sub-section (d) the following words :—

25 (e) Any public highway, any right of way, water-
course and right of water, and other easements.

(f) Any right of the wife or husband of the applicant to
dower or courtesy (as the case may be) in case of
surviving such applicant. See *Land Titles Act*,
s. 22.

30 6. This Act shall not apply to the City of Toronto or County
of York. Application of Act.

No. 104.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to facilitate the Quieting of Titles
where the Land Titles Act is not in force.

*(Reprinted as amended by Committee of
the Whole House.)*

First Reading, 24th February, 1886.
Second " 4th March, 1886.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS, 25 AND 28 FRONT ST. W.

An Act to Confirm the Sale of Certain Lands to Elmes Henderson.

WHEREAS, by an Act passed by the Legislature of the Province of Ontario, in the 47th year of Her Majesty's reign, and chaptered 91, the Roman Catholic Episcopal Corporation, for the Diocese of Toronto, in Canada, were authorized and empowered to sell certain lands on Jarvis Street, in the City of Toronto, as is therein more particularly mentioned; and whereas the said Corporation have pursuant to the said Act, sold the said lands to Elmes Henderson, of the City of Toronto, Esquire, and by a deed of grant, dated the 10th day of January, 1886, conveyed the said lands to him and his heirs and assigns for ever, and he has accepted the said conveyance, subject to the confirmation of his title; and whereas in investigating the title to the said lands it appeared that the title depended partly on old public, or quasi-public documents, some of which could not be found, while others were only referred to in title deeds relating to other lands, and it also appeared that the said title depended upon the construction of Acts of Parliament, deeds of trust, Orders in Council, and historical and state papers of the Province of Upper Canada, and the late Province of Canada; and whereas in view of these and other difficulties in the proof of the title the said Elmes Henderson applied in the regular course to the Chancery Division of the High Court of Justice for this Province under *The Act to amend the Law of Vendor and Purchaser and to Simplify Titles*, for the opinion of the Court upon the said title and His Lordship, the Chancellor of Ontario, gave his decision on the said application, that the title of the said Episcopal Corporation was a good equitable title, but that the devolution of the legal estate had not been satisfactorily accounted for, and for this reason it was not such a title as the Court would force on a purchaser; and whereas it is expedient to set at rest all questions of conveyancing and of title, and to confirm the title to the said lands in the said Elmes Henderson absolutely; Therefore Her Majesty, by and with the advice and consent of the Legislature of the Province of Ontario enacts as follows:—

1. The said deed, bearing date the 10th day of January, 1886, whereby the said Roman Catholic Episcopal Corporation, for the Diocese of Toronto, in Canada, purported to grant to the said Elmes Henderson, his heirs and assigns for ever, an estate in fee simple in the lands therein described is hereby ratified and confirmed and declared to be valid and effectual,

Deed to E.
Henderson
confirmed.

and shall be deemed to confer upon the said Elmes Henderson, his heirs and assigns for ever a good and valid title both at law and in equity to the said lands to all intents and purposes whatsoever.

Lands vested
in E. Hen-
derson.

2. All and singular that certain parcel or tract of land and 5
premises described in the said deed of the 10th day of January,
1886, and in the said Act, passed in the 47th year of Her
Majesty's reign, and chaptered 91, is hereby vested in the said-
Elmes Henderson, his heirs and assigns for ever, for an absolute
estate in fee, free from all trusts, charges and incumbrances 10
whatsoever.

No. 105.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to Confirm the Sale of Certain
Lands to Elmes Henderson.

First Reading, 14th February, 1886.

(Private Bill.)

Mr. FRASER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Driving of Saw Logs and other
Timber on Lakes, Rivers, Creeks and Streams.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Any persons putting or causing to be put into any lake,
5 river, creek or stream, in this Province any saw log or other timber for the purpose of floating the same to the place of
manufacture or market shall make adequate provisions, and put
on a sufficient force of men to break jams of such saw logs, or
other timber in or upon such lake, river, creek or stream, and to
10 run or clear the same from the banks or shores thereof, and to
run or drive the same so as not to hinder the removal of any
saw logs or other timber from the banks or shores thereof; nor
obstruct the floating or navigation of such lake, river, creek or
stream.

Persons float-
ing logs down
river to employ
men to keep
stream clear.

2. In case of the neglect of such person to make such
adequate provision, and put on such sufficient force of men, as
aforesaid, it shall be lawful for any other person engaged in
floating or running saw logs or other timber in such lake,
river, creek or stream, obstructed by reason of such neglect, to
20 cause such jams to be broken, and such saw logs or other tim-
ber to be run, driven, or cleared from the banks of such lake,
river, creek, or stream, and along and down such lake, river,
creek, or stream, at the cost and expense of the person owning
such logs or other timber, and such owner shall be liable to
25 such person for such costs and expenses.

In case of
default other
persons may
clear obstruc-
tion and
recover costs.

3. The person so causing such jams to be broken, or such
saw logs or other timber to be run, driven, or cleared, shall
have a lien on such saw logs and other timber, for his reason-
able charges and expenses for breaking jams, and running,
30 driving and clearing the same, and shall be entitled to take and
retain possession of such saw logs or other timber, wherever
the same may be found, or so much thereof as may be neces-
sary to satisfy the amount of such charges and expenses, and
all costs, and may after thirty days' notice to the owner, if the
35 owner be known, and advertisement thereof for three succes-
sive weeks, at least once in each week, in a newspaper published
nearest to where such saw logs or other timber may then be,
sell by public auction, subject to the lien of the Crown (if any)
for dues, the said saw logs or other timber, or so much thereof
40 as may be necessary to satisfy the amount of such charges and
expenses, and all costs, rendering the surplus on demand to the
owner.

Lien for
charges.

Sale of logs
for charges.

4. If the owner of the saw logs or other timber is not known to the person claiming the lien, then such person may after advertisement thereof for four successive weeks, at least once in each week, in the *Ontario Gazette*, and in a newspaper published nearest to where such saw logs or other timber may then be, sell by public auction the said saw logs or other timber or so much thereof as may be necessary to satisfy the amount of such charges and expenses and all costs. 5

Compensation
to person
driving logs
mixed with
his own.

5. Any person whose saw logs or other timber in any lake, river, creek or stream, in this Province, are so intermixed with the saw logs or timber of another person, that the same cannot be conveniently separated for the purpose of being driven or floated to market, or place of manufacture, may drive all saw logs and other timber with which his own are so intermixed at the cost and expense of the person owning the same, unless such owner furnish a fair proportion of plant and men, and do or cause to be done a fair proportion of the work necessary to be done in driving all the said saw logs and other timber, so intermixed, and such owner shall, unless he so furnish a fair proportion of plant and men, do or cause to be done a fair proportion of the work in driving said saw logs and other timber as aforesaid, be liable to such person for such costs and expenses, and such person shall have a lien on such saw logs and other timber for his reasonable costs and expenses for driving the same, and shall be entitled to take and retain possession of such saw logs or other timber, wherever the same may be found or so much thereof as may be necessary to satisfy the amount of such charges and expenses and all costs, and may sell the said saw logs and other timber in the manner mentioned in the sections hereinbefore contained, but subject to the provisions as to notice and advertisement thereof as in said sections mentioned. 10 15 20 25 30

Proceedings to
determine
compensation
in cases of
dispute.

6. If the owner of the said saw logs or other timber shall dispute the amount claimed by a lien holder he shall, within five days from the receipt of the notice of sale, to be given by such lien holder to such owner, give notice in writing to such lien holder, that he disputes the amount claimed and thereupon the following proceedings shall be had unless the parties otherwise agree upon the amount to be paid : 35

1. Such notice shall state the name of an arbitrator and call upon the lien holder to appoint an arbitrator on his behalf within five days after service of such notice, and in default of such lien holder making such appointment it shall be lawful for the Judge of the County Court of the county, or the Stipendiary Magistrate of the Judicial District, as the case may be, in which such saw logs or other timber are situate upon request of the owner to appoint such arbitrator, and the two arbitrators so appointed shall forthwith appoint a third arbitrator in the matter ; 40 45

2. If after the arbitrators have been appointed, as aforesaid, they fail or neglect for the space of five days to appoint a third arbitrator, the said Judge of the County Court or Stipendiary Magistrate shall, within four days after a request in writing made upon him by either of the two arbitrators appointed as above, appoint a third arbitrator ; 50 55

3. The arbitrators may require the personal attendance and examination on oath of the parties and their witnesses and the production of all documents relative to the dispute, and may determine by whom the expenses of the arbitration shall be
 5 defrayed, together with the amount thereof, and shall make and deliver their award and determination within twenty days from the date of their appointment, and the said lien holder, may retain his lien and possession of the said saw logs and other timber until such award is made and delivered, and the
 10 amount found thereby and costs is paid by such owner to such lien holder.

7. If the owner does not forthwith pay the amount and costs which the arbitrators determine that he shall pay, such
 lien holder may proceed to sell by public auction the said saw
 15 logs, or other timber, or a sufficient portion thereof, to satisfy the award and costs, and the subsequent costs incurred by such sale, first giving notice of such sale by advertisement for two successive weeks, at least once in each week, in a newspaper published nearest to where such saw logs or other timber may
 20 then be.

In default of payment logs may be sold.

8. Any person whose saw logs or other timber are inter-
 mixed in any lake, river, creek or stream with the saw logs or
 timber of any other person, and who for any reason
 25 desires to separate the same, or does not wish to continue the drive, shall at his own cost and expense separate his said saw logs and timber from the saw logs and timber of such other person, and securely boom the same to one side, in such manner as to allow a free passage for the saw logs and timber of any
 30 other person who may wish to continue the drive.

Provision as to separation of logs.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Driving of Saw Logs
and other Timber on Lakes, Rivers, Creeks,
and Streams.

First Reading, 25th February, 1886.

MR. MURRAY.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 107]

BILL.

[1886

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

Sub-section 2, of section 565, of *The Consolidated Municipal* ^{46 V. c. 18, s.}
5 *Act, 1883*, is hereby amended, by inserting the words "town or" ^{565, sub-s. 2,}
after the word "incorporated," in the seventh line of the said ^{amended.}
sub-section.

No. 107.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 25th February, 1886.

Mr. MURRAY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Further amend the Law for the Protection of Game and Fur-bearing Animals.

WHEREAS it is expedient to amend the law respecting Preamble.
the preservation of game and fur-bearing animals in
Ontario ;

Therefore Her Majesty, by and with the advice and consent
5 of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. The Act passed in the 43rd year of Her Majesty's reign' 43 V. c. 31,
and chaptered 31, is hereby repealed. repealed.
2. None of the animals or birds hereinafter mentioned, shall Close period.
10 be hunted, taken or killed, within the periods hereinafter
limited ;
 - (1) Deer, elk, moose, reindeer or caribou, between the Deer, etc.
fifteenth day of December and the fifteenth day of October ;
 - (2) Grouse, pheasants, prairie fowl or partridge, between the Grouse, etc.
15 first day of January and the first day of September ;
 - (3) Wild turkeys, between the first day of January and the Turkeys.
first day of October ;
 - (4) Woodcock, between the first day of January and the Woodcock.
first day of September ;
 - 20 (5) Snipe and plover of all kinds, between the first day of Snipe and
January and the first day of September ; plover.
 - (6) Ducks of all kinds, coots, mud hens, and rice hens, Ducks, coots,
between the first day of January and the first day of Sep- mud-hens and
tember ; rice-hens.
 - 25 (7) Swans or geese, between the first day of January and Swans and
the first day of September ; geese.
 - (8) Hares, between the first day of March and the first day Hares.
of September.
3. No quail shall be hunted, taken or killed, during the Quail.
30 years 1886, 1887 and 1888.
4. No person shall have in his possession, any of the said Possession,
animals or birds, no matter where procured, or any part or por- how far
tion of any such animals or birds, during the periods in which lawful.
they are so protected ; provided that they may be exposed for Exposure for
35 sale for twenty days, and no longer, after such periods, and sale.
may be had in possession for the private use of the owner and

his family at any time, but in all cases the proof of the time of killing, taking or purchasing, shall be on the person so in possession.

Protection of
eggs.

5. No eggs of any of the birds above mentioned shall be taken, destroyed, or had in possession by any person at any time. 5

Trapping
forbidden.

6. None of the said animals or birds, except the animals mentioned in section 8 of this Act, shall be trapped, or taken by means of traps, nets, snares, gins, baited lines, or other similar contrivances; nor shall such traps, nets, snares, 10 gins, baited lines or contrivances, be set for them, or any of them, at any time; and such traps, nets, snares, gins, baited lines, or contrivances, may be destroyed by any person without such person thereby incurring any liability therefor.

Batteries, etc.,
for taking
wild fowl for-
bidden, and
night shooting
forbidden.

7. None of the contrivances for taking or killing the wild 15 fowl, known as swans, geese or ducks, which are described or known as batteries, swivel guns, sunken punts, shall be used at any time, and no wild fowl, known as swans, geese or ducks, shall be hunted, taken or killed, between sunset and daybreak.

Fur-bearing
animals
protected.

8. No beaver, muskrat, sable, martin, otter, or fisher, shall 20 be hunted, taken or killed, or had in possession of any person between the first day of May, and the first day of November, and no mink between the first day of April and the first day of November; nor shall any traps, snares, gins, or other contrivances, be set for them during such period; nor shall any muskrat house 25 be cut, broken or destroyed, at any time; and any such traps, snares, gins, or other contrivances so set, may be destroyed by any person without such person thereby incurring any liability therefor: provided that this section shall not apply to any person destroying any of the said animals in defence or pre- 30 servation of his property.

Proviso.

Penalties.

9. Offences against this Act shall be punished upon summary conviction on information or complaint before a justice of the peace, as follows:

(a) In case of deer, elk, moose, reindeer or caribou, by a fine 35 not exceeding \$50, nor less than \$10, with costs, for each offence;

(b) In case of birds or eggs, by a fine not exceeding \$25, nor less than \$5, with costs, for each bird or egg;

(c) In case of fur-bearing animals, mentioned in section 8 of 40 this Act, by a fine not exceeding \$25, nor less than \$5, with costs, for each offence;

(d) In the case of other breaches of this Act, by a fine not exceeding \$25, nor less than \$5, with costs.

Disposition of
penalties.

10. The whole of such fine shall be paid to the prosecutor, 45 unless the convicting justice has reason to believe that the prosecution is in collusion with, and for the purpose of benefiting the accused, in which case the said justice may order the disposal of the fine as in ordinary cases.

11. In all cases confiscation of game shall follow conviction, and the game so confiscated, shall be given to some charitable institution or purpose, at the discretion of the convicting justice. Confiscation of game.

5 **12.** In order to encourage persons who have heretofore imported or hereafter import different kinds of game, with the desire to breed and preserve the same on their own lands, it is enacted that it shall not be lawful to hunt, shoot, kill or destroy, any such game without the consent of the owner of the property wherever the same may be bred. Game imported for breeding protected.

13. It shall not be lawful for any person to kill or take, any animal protected by this Act, by the use of poison or poisonous substances, nor to expose poison, poisoned bait or other poisoned substances, in any place or locality, where dogs or cattle may have access to the same. Use of poison prohibited.

14. No person shall at any time hunt, take or kill, any deer, elk, moose, reindeer, or caribou, or any game mentioned in this Act, for the purpose of exporting the same out of Ontario, and in all cases the onus of proving that any such deer, elk, moose, reindeer or caribou, or game, as aforesaid, so hunted, taken or killed, is not intended to be exported as aforesaid, shall be upon the person hunting, killing, or taking the same; Deer, game, etc., not to be killed for export.

(a) Offences against this section, shall be punished by a fine not exceeding \$25, nor less than \$5 for each animal or bird.

25 **15.** No owner of any hound, shall permit any such hound, to run at large during the period, from the fifteenth day of November, to the first day of October, under a penalty on conviction, of not more than \$25, nor less than \$5, for each offence; any person harbouring or claiming to be the owner of any such hound shall be deemed the owner thereof. Hounds not to run at large.

16. It shall be lawful for the council of any county, city, town, township, or incorporated village, to appoint an officer who shall be known as the game Inspector for such county, city, town, township or incorporated village, and who shall perform such duties in enforcing the provisions of this Act, and be paid such salary, as may be mutually agreed upon. Appointment of game inspectors.

No. 108.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to further amend the Law for the
Protection of Game and Fur-bearing
Animals.

First Reading, 25th February, 1886.

MR. CALDWELL.

TORONTO:

PRINTED BY WARWICK & SONS, '66 AND '28 FRONT ST. W.

An Act to Further amend the Law for the Protection of Game and Fur-bearing Animals.

WHEREAS it is expedient to amend the law respecting the preservation of game and fur-bearing animals in Ontario ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Act passed in the 4th year of Her Majesty's reign, 43 V. c. 31, and chaptered 31, is hereby repealed. repealed.

2. None of the animals or birds hereinafter mentioned, shall be hunted, taken or killed, within the periods hereinafter limited ; Close period.

(1) Deer, elk, moose, reindeer or caribou, between the fifteenth day of December and the fifteenth day of October ; Deer, etc.

(2) Grouse, pheasants, prairie fowl or partridge, between the first day of January and the first day of September ; Grouse, etc.

(3) No quail shall be hunted, taken, or killed, during the years 1886, 1887, and no wild turkeys during the years 1886, 1887, 1888, and in each case thereafter not between the fifteenth day of December and the fifteenth day of October following. Quail and wild turkeys.

(4) Woodcock, between the first day of January and the first day of August ; Woodcock.

(5) Snipe, rail and golden plover of all kinds, between the first day of January and the first day of September ; Snipe, rail and plover.

(6) Swans or geese, between the first day of May and the first day of September ; Swans and geese.

(7) Ducks of all kinds, and all other water fowl, between the first day of January and the first day of September ; Ducks.
except wood-duck, which shall be between the first day of January and the fifteenth day of August ;

(8) Hares, between the first day of March and the first day of September. Hares.

3. No person shall have in his possession, any of the said animals or birds, no matter where procured, or any part or portion of any such animals or birds, during the periods in which they are so protected ; provided that they may be exposed for sale for fifteen days, and no longer, after such periods, and may be had in possession for the private use of the owner and Possession, how far lawful. Exposure for sale.

his family at any time, but in all cases the proof of the time of killing, taking or purchasing, shall be on the person so in possession.

Protection of
eggs.

4. No eggs of any of the birds above mentioned shall be taken, destroyed, or had in possession by any person at any time. 5

Trapping
forbidden.

5. None of the said animals or birds, except the animals mentioned in section 8 of this Act, shall be trapped, or taken by means of traps, nets, snares, gins, baited lines, or other similar contrivances; nor shall such traps, nets, snares, 10 gins, baited lines or contrivances, be set for them, or any of them, at any time; and such traps, nets, snares, gins, baited lines, or contrivances, may be destroyed by any person without such person thereby incurring any liability therefor.

Batteries, etc.,
for taking
wild fowl for-
bidden, and
night hunting
forbidden.

6. None of the contrivances for taking or killing the wild 15 fowl, known as swans, geese or ducks, which are described or known as batteries, swivel guns, sunken punts, shall be used at any time, and no *frog and no* wild fowl, known as ducks, or other water fowl, except geese or swan shall be hunted, taken or killed, between sunset and sunrise. 20

Fur-bearing
animals,
protected.

7. No beaver, *mink*, muskrat, sable, martin, otter, or fisher, shall be hunted, taken or killed, or had in possession of any person between the first day of May, and the first day of November; nor shall any traps, snares, gins, or other contrivances, be set for them during such period; nor shall any muskrat house be cut, 25 speared, broken or destroyed, at any time; and any such traps, snares, gins, or other contrivances so set, may be destroyed by any person without such person thereby incurring any liability therefor: provided that this section shall not apply to any person destroying any of the said animals in defence or pre- 30 servation of his property.

Proviso.

Penalties.

8. Offences against this Act shall be punished upon summary conviction on information or complaint before a justice of the peace, as follows:

(a) In case of deer, elk, moose, reindeer or caribou, by a fine 35 not exceeding \$50, nor less than \$10, with costs, for each offence;

(b) In case of birds or eggs, by a fine not exceeding \$25 nor less than \$5, with costs, for each bird or egg;



(c) In case of fur-bearing animals, mentioned in section 7 of 40 this Act, by a fine not exceeding \$25, nor less than \$5, with costs, for each offence;

(d) In the case of other breaches of this Act, by a fine not exceeding \$25, nor less than \$5, with costs.



Disposition of
penalties.



9. The whole of such fine shall be paid to the prosecutor 45 unless the convicting justice has reason to believe that the prosecution is in collusion with, and for the purpose of benefiting the accused, in which case the said justice may order the disposal of the fine as in ordinary cases.

10. In all cases confiscation of game shall follow conviction, and the game so confiscated, shall be given to some charitable institution or purpose, at the discretion of the convicting justice. Confiscation of game.

5  11. In order to encourage persons who desire to breed and preserve game, including deer, on their own lands, which are enclosed or surrounded by water, or partly by water, and partly by fence, it is enacted that it shall not be lawful to hunt, shoot, kill or destroy any such game or deer without the consent of the owner of the property wherever the same may be bred or preserved.  Protection of game preserves.

12. It shall not be lawful for any person to kill or take, any animal protected by this Act, by the use of poison or poisonous substances, nor to expose poison, poisoned bait or other poisoned substances, in any place or locality, where dogs or cattle may have access to the same. Use of poison prohibited.



13.—(1) No person shall at any time hunt, take or kill, any deer, elk, moose, reindeer, or caribou, or any game mentioned in this Act, for the purpose of exporting the same out of Ontario, and in all cases the onus of proving that any such deer, elk, moose, reindeer or caribou, or game, as aforesaid, so hunted, taken or killed, is not intended to be exported as aforesaid, shall be upon the person hunting, killing, or taking the same,  or in whose possession or custody such deer or other game may be found ;  Deer, game, etc., not to be killed for export.


 (2) No person shall at any time kill deer of any kind in any lake, river or stream, or any other body of water ; 

(3) Offences against this section, shall be punished by a fine not exceeding \$25, nor less than \$5 for each animal or bird.

30 14. No owner of any hound, or other dog liable to pursue deer, shall permit any such hound, or other dog, to run at large in any locality where deer may be found, during the period, from the fifteenth day of November, to the fifteenth day of October, under a penalty on conviction, of not more than \$25, nor less than \$5, for each offence ; any person harbouring or claiming to be the owner of any such hound shall be deemed the owner thereof. Hounds not to run at large.

15. It shall be lawful for the council of any county, city, town, township, or incorporated village, to appoint an officer who shall be known as the game Inspector for such county, city, town, township or incorporated village, and who shall perform such duties in enforcing the provisions of this Act, and be paid such salary, as may be mutually agreed upon. Appointment of game inspectors.

45  16.—(1) It shall be the duty of every such game Inspector appointed as aforesaid, forthwith to seize all animals or portions of animals in the possession of any person contrary to the provisions of this Act, and to bring the person in possession of the same before a justice of the peace, to answer for such illegal possession.  Duties of Inspector. Seizure of game.

50  (2) It shall also be the duty of every such game Inspector, to institute prosecutions against all persons found infringing Prosecutions.

the provisions of this Act, or any of them, and every such Inspector may cause to be opened, or may himself open in case of refusal, any bag, parcel, chest, box, trunk, or receptacle in which he has reason to believe that game killed or taken during the close season, or peltries out of season, are hidden. 5

Search for
game.

(3) Every such Inspector, if he has reason to suspect, and does suspect that game killed or taken during the close season, or peltries out of season, are contained or kept in any private house, shed, or other buildings, shall make a deposition in the Form A annexed to this Act, and demand a search warrant to 10 search such store, private house, shed, or other building, and thereupon such justice of the peace is bound to issue, and shall be justified in issuing, a search warrant according to Form B.

FORM A.

I, undersigned game Inspector for
do hereby declare that I have reason to suspect, and do suspect, that game killed or taken during the close season, or furs out of season, etc., etc., (as the case may be) are at present held and concealed (describe the property, occupant, etc., and the place).

Wherefore I pray that a warrant may be granted and given to me to effect the necessary searches (describe here the property, etc., as above).

Sworn before me at
this

day of
A. D. 18
L. B.
J. P.

X. Y.
Game Inspector.

FORM B.

Province of Ontario, }
County of }

To each and every the constables of
County of

Whereas,

Game Inspector for

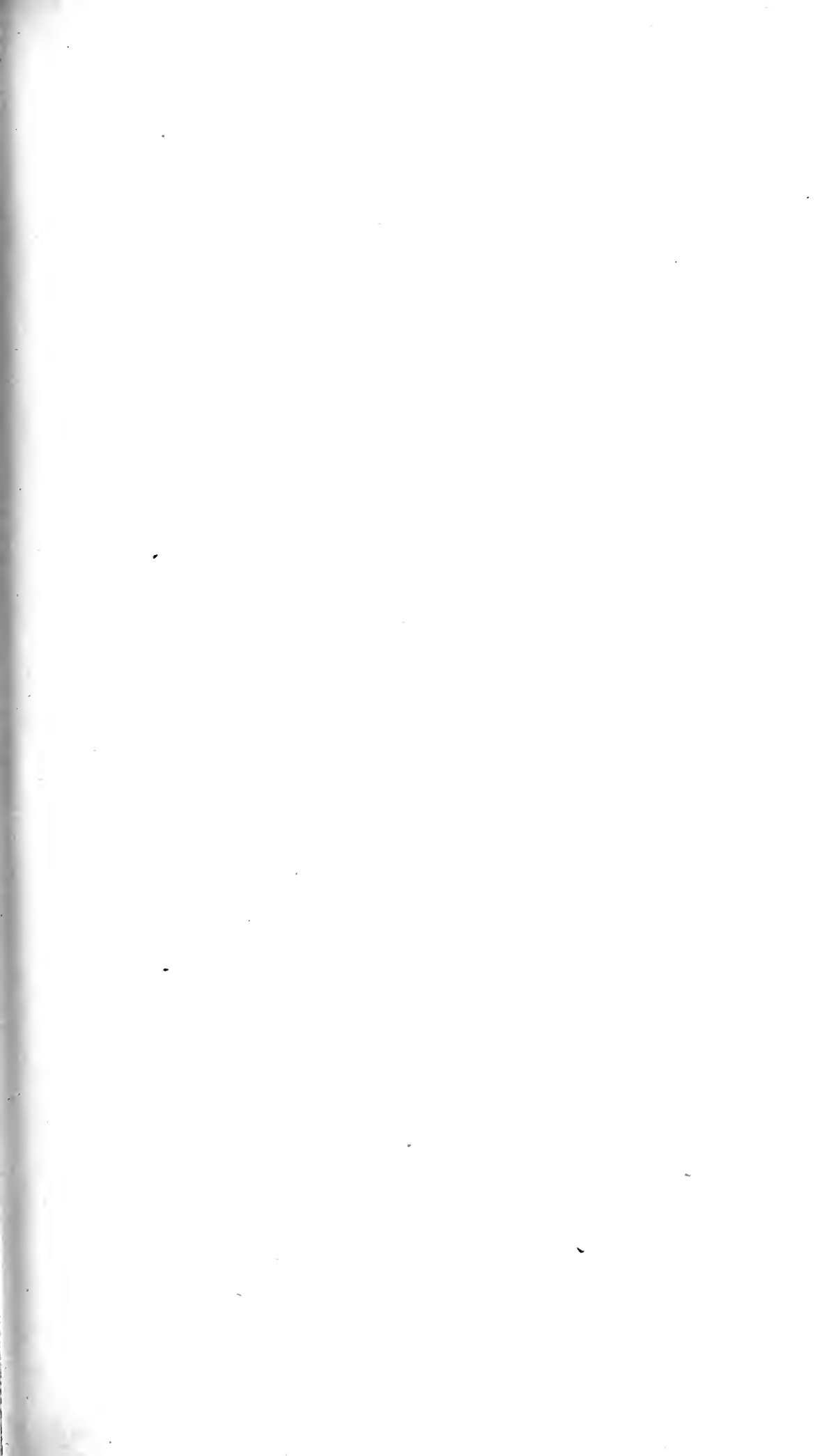
has this day declared under oath before me, the undersigned, that he has reason to suspect that (game, or birds killed or taken during the close season, or furs out of season, etc., as the case may be) are at present held and concealed, (describe property, occupant, place, etc.)

Therefore, you are commanded by these presents in the name of Her Majesty, to assist the said Game Inspector, and to diligently help him to make the necessary searches to find the (state the birds or game killed or taken during the close season, or furs out of season, etc.) which he has reason to suspect and does suspect to be held and concealed in (describe the property, etc., as above) and to deliver, if need there be, the said birds, etc., (as the case may be) to the said Game Inspector, to be by him brought before me or before any other magistrate to be dealt with according to law.

Given under my hand and seal
at County of

this day of
A. D. 18
L. S.

L. B.
J. P.



No. 108.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to further amend the Law for the
Protection of Game and Fur-bearing
Animals.

*(Reprinted as amended by Select
Committee.)*

First Reading, 25th February, 1886.
Second " " 1886.

Mr. CALDWELL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act to Further amend the Law for the Protection of Game and Fur-bearing Animals.

WHEREAS it is expedient to amend the law respecting the preservation of game and fur-bearing animals in Ontario ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed in the 43rd year of Her Majesty's reign, 43 V. c. 31, and chaptered 31, is hereby repealed. Preamble.

2. None of the animals or birds hereinafter mentioned, shall be hunted, taken or killed, within the periods hereinafter limited ; Close period.

(1) Deer, elk, moose, reindeer or caribou, between the fifteenth day of December and the fifteenth day of October ; Deer, etc.

(2) Grouse, pheasants, prairie fowl or partridge, between the first day of January and the first day of September ; Grouse, etc.

(3) No quail shall be hunted, taken, or killed, during the years 1886, 1887, and no wild turkeys during the years 1886, 1887, 1888, and in each case thereafter not between the fifteenth day of December and the fifteenth day of October following. Quail and wild turkeys.

(4) Woodcock, between the first day of January and the fifteenth day of August ; Woodcock.

(5) Snipe, rail and golden plover, between the first day of January and the first day of September ; Snipe, rail and plover.

(6) Swans or geese, between the first day of May and the first day of September ; Swans and geese.

(7) Ducks of all kinds, and all other water fowl, between the first day of January and the first day of September ; Ducks.

(8) Hares, between the fifteenth day of March and the first day of September. Hares.

3. No person shall have in his possession, any of the said animals or birds, no matter where procured, or any part or portion of any such animals or birds, during the periods in which they are so protected ; provided that they may be exposed for sale for fifteen days, and no longer, after such periods, and may be had in possession for the private use of the owner and his family at any time, but in all cases the proof of the time of killing, taking or purchasing, shall be on the person so in possession. Possession, how far lawful.
Exposure for sale.

Protection of
eggs.

4. No eggs of any of the birds above mentioned shall be taken, destroyed, or had in possession by any person at any time.

Trapping
forbidden.

5. None of the said animals or birds, except the animals mentioned in section 8 of this Act, shall be trapped, or taken by means of traps, nets, snares, gins, baited lines, or other similar contrivances; nor shall such traps, nets, snares, gins, baited lines or contrivances, be set for them, or any of them, at any time; and such traps, nets, snares, gins, baited lines, or contrivances, may be destroyed by any person without such person thereby incurring any liability therefor.

Batteries, etc.,
for taking
wild fowl for-
bidden, and
night hunting
forbidden.

6. None of the contrivances for taking or killing the wild fowl, known as swans, geese or ducks, which are described or known as batteries, swivel guns, sunken punts, shall be used at any time, and no wild fowl, known as ducks, or *other water fowl, except geese or swan* shall be hunted, taken or killed, between the expiration of the hour next after sunset and the commencement of the hour next before sunrise.

Fur-bearing
animals
protected.

7. No beaver, *mink*, muskrat, sable, martin, otter, or fisher, shall be hunted, taken or killed, or had in possession of any person between the first day of May, and the first day of November; nor shall any traps, snares, gins, or other contrivances, be set for them during such period; nor shall any muskrat house be cut, *spear*ed, broken or destroyed, at any time; and any such traps, snares, gins, or other contrivances so set, may be destroyed by any person without such person thereby incurring any liability therefor: provided that this section shall not apply to any person destroying any of the said animals in defence or preservation of his property.

Proviso.

Penalties.

8. Offences against this Act shall be punished upon summary conviction on information or complaint before a justice of the peace, as follows:

(a) In case of deer, elk, moose, reindeer or caribou, by a fine not exceeding \$50, nor less than \$10, with costs, for each offence;

(b) In case of birds or eggs, by a fine not exceeding \$25 nor less than \$5, with costs, for each bird or egg;

(c) In case of fur-bearing animals, mentioned in section 7 of this Act, by a fine not exceeding \$25, nor less than \$5, with costs, for each offence;

(d) In the case of other breaches of this Act, by a fine not exceeding \$25, nor less than \$5, with costs.


Disposition of
penalties.

9. The whole of such fine shall be paid to the prosecutor unless the convicting justice has reason to believe that the prosecution is in collusion with, and for the purpose of benefiting the accused, in which case the said justice may order the disposal of the fine as in ordinary cases.

Confiscation
of game.

10. In all cases confiscation of game shall follow conviction, and the game so confiscated, shall be given to some chari-



table institution or purpose, at the discretion of the convicting justice.

11. In order to encourage persons who have heretofore imported or hereafter import different kinds of game, with the desire to breed and preserve the same on their own lands, it is enacted that it shall not be lawful to hunt, shoot, kill or destroy any such game without the consent of the owner of the property wherever the same may be bred. 

Protection of game preserves.

12. It shall not be lawful for any person to kill or take, any animal protected by this Act, by the use of poison or poisonous substances, nor to expose poison, poisoned bait or other poisoned substances, in any place or locality, where dogs or cattle may have access to the same.

Use of poison prohibited.

13.—(1) No person shall at any time hunt, take or kill, any deer, elk, moose, reindeer, or caribou, for the purpose of exporting the same out of Ontario, and in all cases the onus of proving that any such deer, elk, moose, reindeer or caribou, as aforesaid, so hunted, taken or killed, is not intended to be exported as aforesaid, shall be upon the person hunting, killing, or taking the same,  or in whose possession or custody *the same may be found.* 

Deer, game, etc., not to be killed for export.


(2) Offences against this section, shall be punished by a fine not exceeding \$25, nor less than \$5 for each animal.

14. No owner of any hound, or other dog known by the owner to be accustomed to pursue deer, shall permit any such hound, or other dog, to run at large in any locality where deer are usually found, during the period, from the fifteenth day of November, to the fifteenth day of October, under a penalty on conviction, of not more than \$25, nor less than \$5, for each offence; any person harbouring or claiming to be the owner of any such hound or dog shall be deemed the owner thereof.


Hounds not to run at large.

15. It shall be lawful for the council of any county, city, town, township, or incorporated village, to appoint an officer who shall be known as the game Inspector for such county, city, town, township or incorporated village, and who shall perform such duties in enforcing the provisions of this Act, and be paid such salary, as may be mutually agreed upon.

Appointment of game inspectors.

16.—(1) It shall be the duty of every such game Inspector appointed as aforesaid, forthwith to seize all animals or portions of animals in the possession of any person contrary to the provisions of this Act, and to bring the person in possession of the same before a justice of the peace, to answer for such illegal possession. 

Duties of Inspector. Seizure of game.

(2) It shall also be the duty of every such game Inspector, to institute prosecutions against all persons found infringing the provisions of this Act, or any of them, and every such Inspector may cause to be opened, or may himself open in case of refusal, any bag, parcel, chest, box, trunk, or receptacle in which he has reason to believe that game killed or taken during the close season, or peltries out of season, are hidden. 

Prosecutions.

Search for
game.

(3) Every such Inspector, if he has reason to suspect, and does suspect that game killed or taken during the close season, or peltries out of season, are contained or kept in any private house, shed, or other buildings, shall make a deposition in the Form A annexed to this Act, and demand a search warrant to search such store, private house, shed, or other building, and thereupon such justice of the peace may issue, a search warrant according to Form B. 5

17. This Act shall come into effect on and after the first day of July next after the passing thereof. 10

FORM A.

I, _____ undersigned game Inspector for
do hereby declare that I have reason to suspect, and do suspect, that game killed or taken during the close season, or furs out of season, etc., etc., (*as the case may be*) are at present held and concealed (*describe the property, occupant, etc., and the place*).

Wherefore I pray that a warrant may be granted and given to me to effect the necessary searches (*describe here the property, etc., as above*).

Sworn before me at
this _____

day of
A. D. 18
L. B.
J. P. }

X. Y.
Game Inspector.

FORM B.

Province of Ontario, }
County of }

To each and every the constables of
County of _____

Whereas,

_____ Game Inspector for
has this day declared under oath before me, the undersigned, that he has reason to suspect that (game, or birds killed or taken during the close season, or furs out of season, etc., *as the case may be*) are at present held and concealed, (*describe property, occupant, place, etc.*)

Therefore, you are commanded by these presents in the name of Her Majesty, to assist the said _____ Game Inspector, and to diligently help him to make the necessary searches to find the (*state the birds or game killed or taken during the close season, or furs out of season, etc.*) which he has reason to suspect and does suspect to be held and concealed in (*describe the property, etc., as above*) and to deliver, if need there be, the said birds, etc., (*as the case may be*) to the said Game Inspector, to be by him brought before me or before any other magistrate to be dealt with according to law.

Given under my hand and seal

at _____ County of _____
this _____ day of _____
A. D. 18
L. S. }

L. B.
J. P.

No. 108.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to further amend the Law for the
Protection of Game and Fur-bearing
Animals.

*(Reprinted as amended by Committee of
the Whole House.)*

First Reading, 25th February, 1886.
Second " 1886.

Mr. CALDWELL.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Division Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 54 of *The Division Courts Act* is amended by R. S. O. c. 47,
5 adding the following sub-section thereto ; s. 54, amended.

(4) Claims combining ;

10 (a) A cause or causes of action in respect of which the Combining
jurisdiction of the Division Courts, is by the fore- causes of
going sub-sections of this section, limited to \$60, action.
which causes of action are hereinafter designated
as class (a)

15 (b) A cause or causes of action in respect of which the
jurisdiction of the said Courts, is by the said sub-
sections limited to \$100, which causes of action are
hereinafter designated as class (b) and

(c) A cause or causes of action in respect of which the
jurisdiction of the said Courts is by the said sub-
sections limited to \$200, which causes of action
are hereinafter designated as class (c)

20 or combining any two of the said classes of causes of action
may be tried and disposed of in one action, and the said Courts
shall have jurisdiction so to try the same : provided, firstly,
that the whole amount claimed in any such action in respect
of class (a), shall not exceed \$60 ; secondly, that the whole
25 amount claimed in any such action in respect of classes (a) and
(b) combined, or in respect of class (b) where no claim is made
in respect of class (a), shall not exceed \$100, and thirdly, that
the whole amount claimed in any such action shall not exceed
\$200.

30 2. Section 99 of the said Act is amended by inserting imme- R. S. O. c. 47,
diately after the word "Province," in the fourth line thereof, the s. 99,
words, "or of any person or persons within the Province, as to amended.
whom it is made to appear to the satisfaction of the Judge,
that from sickness, infirmity, or other sufficient cause, it is
probable such person or persons cannot be produced as a
35 witness or witnesses at the trial, or will be unable to give
evidence thereat."

3. Section 100 of the said Act, is amended by inserting the R. S. O. c. 47,
words "or other cause which the Judge deems sufficient" im- s. 100,
amended.

mediately after the word "sickness," and the words "or to give evidence at the trial" immediately after the word "appear" in the sixth line of the said section.

R. S. O. c. 47, 4. Section 210 of the said Act, is amended by inserting
 s. 210, immediately after the word "process," in the eighth line 5
 amended, thereof, the words "or where the goods have been attached, and at the time the claim is made have been handed over to the custody and possession of such clerk, then such clerk of his own motion."

No. 109.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Division Courts Act.

First Reading, February, 1886.

Mr. FERRIS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act to amend the Division Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 11 of *The Division Courts Act* is hereby repealed R. S. O. c. 47,
s. 11, repealed.
5 and the following substituted therefor :

11.—(1) The County Judge, the Sheriff of the County, and the Division Court Inspector may, subject to the restrictions in this Act contained, appoint, and from time to time alter the number, limits and extent of every division, and shall number Alteration of
number and
limits of
divisions.
10 the divisions, beginning at number one, but no resolution or order made under the provisions of this section shall be altered or rescinded, unless public notice of the intention so to alter or rescind, or that application will be made to alter or rescind is made and proclaimed in open Court at the next previous sittings of the General Sessions of the Peace.
15

(2) The Judge shall cause the Sheriff, Warden and Inspector to be notified of any application, and of the time and place at which the same will be considered.

2. Section 13 of the said Act is amended by striking out R. S. O. c. 47,
s. 13,
amended.
20 the words "Justices of the Peace of the Junior County in general sessions assembled" where they occur, and inserting instead thereof the words "the Judge of the County, the Sheriff, the Warden of the County, and the Inspector of Division Courts."

- 25 3. Section 14 of the said Act is amended by striking out the words "Justices of the Peace of any County in General Sessions assembled" where they occur, and inserting instead thereof the words "Judge of the County, the Sheriff, the Warden of the County, and the Inspector of Division Courts." R. S. O. c. 47,
s. 14 amended.

- 30 4. Section 17, and sub-sections 2 and 3 of said Act are hereby repealed, and the following substituted therefor : R. S. O. c. 47,
s. 17, repealed.

17. The Judge of the County, the Sheriff, the Warden of the County, and the Inspector of Division Courts, at a meeting to be called for the purpose, or at any adjourned meeting, shall, Regulation of
limits on sep-
aration of a
county.
35 within three months after the issue of any proclamation for separating a Junior from a Senior County, appoint the number, (not less than three, or more than two) the limits and extent of the several Divisions within such County, and the time when such change of Divisions shall take place, and no
40 resolution or order made under the provisions of this section

shall be altered or rescinded, unless public notice of the intention so to alter or rescind is made and proclaimed in open Court at the next previous sittings of the General Sessions of the Peace.

R. S. O. c. 47, s. 37, amended. 5. Section 37 of the said Act is hereby amended by adding 5
after the word "summons," and before the word "orders," in
the first line thereof, the words "all notices fyled by any party
to the action."

R. S. O. c. 47, s. 54, amended. 6. Section 54 of the said Act is amended by adding the fol- 10
lowing sub-section thereto ;

(4) Claims combining ;

Combining
causes of
action.

(a) A cause or causes of action in respect of which the
jurisdiction of the Division Courts, is by the fore-
going sub-sections of this section, limited to \$60,
which causes of action are hereinafter designated 15
as class (a)

(b) A cause or causes of action in respect of which the
jurisdiction of the said Courts, is by the said sub-
sections limited to \$100, which causes of action are
hereinafter designated as class (b) 25

may be tried and disposed of in one action, and the said Courts
shall have jurisdiction so to try the same : provided, firstly,
that the whole amount claimed in any such action in respect
of class (a), shall not exceed \$60; and that the whole
amount claimed in any such action in respect of classes (a) and 30
(b) combined, or in respect of class (b) where no claim is made
in respect of class (a), shall not exceed \$100.

(5) The finding of the Court upon the claims when so joined
as aforesaid shall be separate.

R. S. O. c. 47, s. 68, amended. 7. Section 68 of the said Act is hereby amended by adding 35
the following sub-section thereto :

In any action brought to recover a sum of money due on any
promissory note or notes, such note or notes shall be filed with
the clerk before judgment, unless otherwise ordered, or unless
the loss of the note be shown, or that it cannot for some other 40
satisfactory reason be produced.

R. S. O. c. 47, s. 74, amended. 8. Section 74 of the said Act, is hereby amended by
adding immediately after the word "brought" in the second
line thereof, the words "or when the Bailiff has been suspended
by order of the Judge." 45

R. S. O. c. 47, s. 95, amended. 9. Section 95 of the said Act is hereby amended by striking
out the word "county" in the fourth line thereof, and substi-
tuting the word "province" therefor.

R. S. O. c. 47, s. 98, repealed. 10. Section 98 of the said Act is hereby repealed, and the
following is substituted therefor : 50

Expenses to
be paid witness
out of county. 98. Any person served with any such subpoena, who is resident
in Ontario, but out of the county in which such Division Court
is situate, shall be entitled to be paid witness fees and mileage
according to the County Court tariff.

11. In all cases under the provisions of Sections 130 and 133 of the said Act where the debt sought to be garnished is for wages, there shall be upon, or annexed to the summons served on the garnishee, a memorandum shewing the residence of the primary debtor and the nature of his occupation in the service of the said garnishee at the time of the issuing of the said summons, and also stating whether the debt alleged or adjudged to be due by the primary debtor to the primary creditor was or was not incurred for board or lodging, and in the absence of such last mentioned statement the said debt may be presumed by the garnishee not to have been incurred for board or lodging.

Memorandum
on garnishee
summons.

12. Sub-section 2 of section 136 of the said Act is hereby repealed, and the following substituted therefor :

R. S. O. c. 47,
s. 36, sub-s.
2, repealed.

(2) Any primary debtor or garnishee who desires to set up any statutory or other defence or any set-off or to admit his liability in whole or in part for the amount claimed in any such action shall file with the Clerk the particulars of such defence or set-off, or an admission of the amount due or owing by the primary debtor or the garnishee, as the case may be, within eight days after service on him of the summons, and the Clerk shall forthwith send by mail to each of the said parties to the suit a copy of such defence, set-off or admission, and the primary creditor may file with the Clerk a notice that he admits the defence or set-off or accepts the admission of liability as correct; a copy of such notice shall be sent by the clerk by mail, forthwith to such garnishee, and in the absence of any notice of defence or set-off, from any primary debtor or garnishee, the judge may, in his discretion, give judgment against such primary debtor or garnishee; and in the event of the primary creditor failing to file a notice admitting or rejecting such defence, set-off or admission of liability, the garnishee shall not be bound to attend at the trial, and the sum admitted to be due or owing by the garnishee, shall be taken to be the correct amount of his liability unless the judge shall otherwise order, in which latter case the garnishee shall be notified by the clerk and shall have an opportunity of attending at a subsequent date and being heard before judgment is given against him.

Defences in
garnishee
proceedings.

(3) The costs of all notices required to be given under this section, shall be costs in the cause, and in no case shall be payable by the garnishee, unless specially ordered by the judge.

13. Section 147 of the said Act is hereby amended by adding thereto the following :

R. S. O. c. 47,
s. 147,
amended.

“Or the parties to any action, may by writing, signed by themselves or their agents, agree to refer the matters in dispute to the arbitrament of any person or persons named in such agreement, which shall be filed with the clerk, and be entered on the Procedure Book as notices are entered.”

Referring
action to
arbitration.

14. Section 199 of the said Act, is hereby repealed and the following substituted therefor :

R. S. O. c. 47,
s. 199,
repealed.

199. All the property seized under the provisions of the previous sections, shall be, and remain in, the custody and possession of

Custody of
goods seized

under attachment. of the bailiff to whom the warrant of attachment is issued, and he shall take and keep the same until disposed of by law, and he shall be allowed all necessary disbursements and expenses for keeping the same.

R. S. O. c. 47, sub-s. 204, 205, amended. **15.** Sections 204 and 205 of the said Act are hereby amended by striking out the word "clerk" where it occurs in each of said sections, and the word "bailiff" shall be substituted therefor. 5

R. S. O. c. 47, s. 206, repealed. **16.** Section 206 of the said Act is hereby repealed, and the following is substituted therefor: 10

Disposition of moneys realized on goods seized. **206.** The moneys so made shall be by the bailiff paid over to the clerk, and the residue, if any, after satisfying such judgments as aforesaid, with the costs thereupon, shall be delivered to the defendant or his agent, or to any person in whose custody the goods were found; and the responsibility of the clerk in respect of such property shall cease. 15

R. S. O. c. 47, s. 210, amended. **17.** Section 210 of the said Act, is hereby amended by adding the following sub-section thereto:

In case the Bailiff has more than one execution or attachment at the suit or instance of different persons against the same property claimed as aforesaid, it shall not be necessary for the Bailiff to make a separate application on each execution or attachment; but he may use the names of such execution or attaching creditors collectively in such application, and the summons may issue in the name of said creditors as plaintiffs. 20 25

Examination of infirm, etc., witnesses. **18.** In case it be made to appear to the Judge that a material and necessary witness residing within the Province is sick, aged, or infirm, or that he is about leaving the Province, and that his attendance at Court as a witness cannot by reason thereof be procured, the Judge may make an order appointing a suitable person to take the evidence of said person. A copy of such order, with two days' notice of the time, and place of the examination shall be served upon the opposite party, his attorney or agent, who may appear, and cross-examine the witness. The evidence shall be taken on oath, and shall be reduced to writing, and signed by the witness, and shall be transmitted to the Clerk of the Court, and shall be by him kept on file, and may be used upon the trial saving all just exceptions. The costs of such order shall be in the discretion of the Judge, and the reasonable charge of the examiner (to be fixed by the Judge) shall, in the first instance be paid by the party obtaining the order, as in the case of witness fees, and shall thereafter be paid as the Judge may order. 30 35 40

Examination of witness residing at a distance from place of trial. **19.** An order may also be obtained for the examination of a witness who resides in a remote part of the Province, and at a great distance from the place of trial, if it be clearly made to appear that his attendance cannot be procured, or that the expense of his attendance would be out of proportion to the amount involved in the action, or would be so great that the party desiring his attendance should not, under the circumstances, be required to incur the same; and the proceedings 45 50

thereon, and the order as to costs, shall be the same as in the case of an order in the next preceding section mentioned.

20. Any defendant who has filed a notice of defence in any action may, by notice in writing to the Clerk, at least six days before the sittings at which the same may be tried, withdraw such defence, and consent that judgment be entered against him for any amount, and the clerk shall immediately notify the plaintiff thereof by mail, and thereupon the plaintiff shall be entitled to have judgment entered for such amount, and the costs necessarily incurred.

Withdrawal
of defences.

21. The following provisions shall apply to and in respect of any action brought in a Division Court;

Adding
parties defen-
dants.

(1) The Judge may, at any time after action commenced, upon the application of either party, and upon such terms as may appear to him to be just, order that the name of any party who ought to have been joined in the action as a defendant shall be added as a party defendant.

(2) If it shall appear to the judge, either before or at the trial of any action, that any party ought to be added as a party defendant in order that the Court may settle all rights and questions involved in the action, the Judge may order such person to be added accordingly.

(3) Every person whose name is so added as a defendant shall be served with a copy of the writ of summons, the original summons being first properly amended, and the proceedings against any such added defendant shall be deemed to have been commenced from the date of the order making him a party defendant; but if the application to add a defendant be made at the trial, the Judge may make the order in a summary manner, and may dispense with the service of a copy of the summons upon such defendant, if such defendant or his solicitor consent thereto upon such terms as to costs or an adjournment of the trial, as to the Judge shall appear just.

Service on
parties added.

(4) Any two or more persons claiming, or being liable as co-partners may sue, or be sued in the name of the respective firms, if any, where partners are sued in the name of their firm, the summons may be served on one or more of the partners and subject to the provisions in the next two sections contained, such service shall be deemed good service upon the firm; but the affidavit of the service of the summons shall state the name of the partner served. Any party may, at any time before or after judgment, apply to the Judge for an order directing a statement to be furnished of the names of all the persons who are co-partners in any firm which is a party to the suit by the firm named.

Service on
partners.

(5) Where a judgment is against partners in the name of the firm, execution may issue in the manner following:—

Execution
against
partners.

(a) Against any goods of the partners.

(b) Against the goods of any person who has admitted in the notice of dispute or defence filed that he is or who has been adjudged a partner.

(c) Against any person who has been served as a partner with a copy of the summons and who has failed to appear.

Adding
partners as
defendants.

(6) Upon the trial of an action against a firm, if the plaintiff is desirous of obtaining a judgment against the individual partners other than the one served with a copy of the summons and in addition to his judgment against the firm, he may procure the addition of the remaining partners as defendants under sections 1 and 3 and thereafter proceed to judgment against them in the action as in other cases.

10

No. 109.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Division Courts Act.

*(Reprinted as amended by Select
Committee.)*

First Reading, 25th February, 1886.

Mr. FERRIS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Registry Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The following section, shall be added to, and form part of R. S. O. c.
5 *The Registry Act*, and shall follow immediately after section 111, amended.
66 of the said Act :

- 66a. Any instrument which has been registered by memorial prior to the 1st day of January, 1866, may be re-registered at full length, and shall be so re-registered by the Registrar in
10 whose office such memorial is deposited, on the production to him of the original instrument, which has been so registered, and on payment of his proper fees, as provided by this Act, and the Registrar, shall indorse upon such original a certificate of such re-registration, as provided by Schedule G to this Act,
15 and such original so certified shall be *prima facie* evidence of the re-registration and of the due execution of the said instrument.
- Registration of instruments in full when memorials previously registered.

No. 110.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Registry Act.

First Reading, 25th February, 1886.

Mr. FERRIS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

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dorsed thereon, and on payment of his proper fees, as provided
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Registration
of instruments
in full when
memorials
previously
registered.

No. 110.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Registry Act.

*(Reprinted as amended by Select
Committee.)*

First Reading, 25th February, 1886.
Second " 10th March, 1886.

Mr. FERRIS.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 2 of section 570 of *The Consolidated Municipal Act, 1883*, is amended by adding after the word "date" 46 V. c. 18, s. 570, sub-s. 2, amended.
5 in the seventh line of the said sub-section, the following: ("or in cases provided for under sub-section 8 of this section, within twenty years from date)."

2. Sub-section 9 of section 570 of the said Act, is amended 46 V. c. 18, s. 570, sub-s. 9, amended.
by striking out all the words after the word "section" in the 10 tenth line thereof.

3. Section 592 of the said Act is repealed, and the following 46 V. c. 18, s. 592, repealed.
section substituted therefor:

592. Where, on account of proceedings taken under this Act, or *The Ontario Drainage Act*, or other similar Acts 15 respecting the drainage works and local assessments therefor, damages are recovered against the corporation or parties constructing the drainage works, or other relief is given by any judgment or order of any court or any award made under this Act, the lands and roads liable to assessments 20 for such drainage works shall be charged with all such damages, or any sum of money that may be required to enable the corporation to comply with any such judgment, order or award, made in respect thereof, and all costs which the said corporation may become liable to pay *pro rata* according to 25 their assessment (or in the option of the council, the lands liable according to an assessment based upon the report of an engineer, subject to appeal to the Court of Revision and Judge under the proceedings hereinbefore provided), and the council of each municipality shall pass such by-laws as may be neces- 30 sary for levying the same with interest against the lands within such municipality, liable thereto either in one or more annual instalments as the council may deem expedient; and if the council considers it advisable to spread such amounts over several years, such council may pass by-laws for issuing debentures in order to raise the necessary money to pay such damages 35 or costs, or comply with such judgment, order or award.

4. The form of by-law in section 571 of the said Act, is 46 V. c. 18, s. 571, amended.
amended by inserting after the words "so made" in the twenty-first line thereof, the following: "(being the same assessment 45 as is incorporated in this by-law,)" and by striking out the words "and assessment" in the twenty-fourth line of the said form.

46 V. c. 18, s.
582, amended.

5. Section 582 of the said Act, is amended by striking out all the words after the words "ground of appeal" in the eighth line thereof.

46 V. c. 18, s.
583, amended.

6. Section 583 of the said Act, is amended by striking out the first three lines thereof, and substituting therefor the following: "unless all parties shall within ten days after the service of the notice of appeal, agree upon one arbitrator to act on behalf of all said parties interested in the appeal, the Judge of the County Court of the county in which the work is originated shall act as arbitrator for all parties, and such arbitrator shall proceed as hereinbefore provided by the sections of this Act, with regard to references to arbitration, and his award shall be subject to appeal as therein provided." 10

46 V. c. 13,
ss. 584 and 590,
amended.

7. Sections 584 and 590 of the said Act, are amended by substituting the word "arbitrator" for the word "arbitrators" 15 wherever the same occurs in said sections.

46 V. c. 18, s.
572, amended.

8. Section 572 of the said Act, is amended by striking out all the words after "Toronto" in the eleventh line of the said section, and substituting therefor the words "during the six weeks ensuing the final passing of the by-law," and by striking 20 out the words "within ten days after the final passing thereof" in the seventh and eighth lines of the said section, and substituting therefor the words "not later than a date ten days after the final passing thereof."

46 V. c. 18, s.
574, amended.

9. Section 574 of the said Act, is amended by striking out 25 all the words after the word "payable" in the ninth line thereof, and substituting therefor the following: "in order more fully to carry out the intention thereof, and of the petition on which the same was founded, the said council may from time to time pass such by-laws as may be necessary for 30 levying the deficiency with interest thereon against the lands and roads in such municipality liable thereto, either in one or more annual instalments as to the council may seem expedient; and if the council consider it advisable to spread such amount over several years, such council may pass by-laws in order to raise the necessary moneys to pay said deficiency; or may 35 refund the surplus to the then owners of the land *pro rata* according to the original assessment."

46 V. c. 18, s.
576, amended.

10. Section 576 of the said Act, is amended by adding thereto the following words: "and until he obtains a sufficient outlet for such water, and charge the lands and roads as in the 40 following section mentioned."

46 V. c. 18, s.
588, amended.

11. Section 588 of the said Act, is amended by striking out the word "this" in the fourth line thereof, and substituting therefor the word "any," and by adding after the word "willfully" in the seventh line thereof, the words "or through negli- 45 gence," and by adding after the word "municipality" in the eleventh line thereof, the words "or an officer appointed by the council for the inspection or care of drains," and by adding to said section, as sub-section 3 thereof, the following:

(3) Any person or persons who shall wrongfully, negli- 50 gently or wilfully obstruct, fill up or injure, any drains con-

structed under the provisions of any of said Acts, or cut, destroy or injure any embankment or other drainage work connected therewith, shall upon the complaint of the council of the municipality, liable to keep such drain, embankment or
 5 work in repair, and upon conviction thereof before a justice of the peace (in addition to the costs of repairing the damage done), be liable to a fine of not less than \$1, or more than \$50."

12. Section 590 of the said Act, is amended by adding after ^{46 V. c. 18, s.} the word "formalities" in the tenth line thereof, the following: ^{590, amended.}
 10 "(except the petition)."

13. Sub-section 2 of section 598 of the said Act, is amended ^{46 V. c. 18, s.} by adding after the number "577" in the second line of the ^{598 amended.} said sub-section, the number "590."

14. Section 586 of the said Act as amended, is further ^{46 V. c. 18, s.} amended by inserting in the second line thereof, before the ^{586, amended.} the words "of *The Ontario Drainage Act, 1873*" the following words: "of any other similar Act, respecting drainage works and local assessments therefor, or."

No. 111.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 25th February, 1886.

Mr. CLANCY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 112.]

BILL.

[1886.

An Act to amend the General Mining Act.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :—

1. Section 11 of *The General Mining Act*, being chapter R. S. O. c. 29,
5 29 of the Revised Statutes of Ontario, is hereby amended by s. 11,
striking out the words "one dollar" in the third line of the amended.
said section and substituting the words "two dollars" therefor.

No. 112.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the General Mining Act.

First Reading, 22nd February, 1886.

Mr. PARDEE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act respecting Leases.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Wherever by the terms of a parol lease of real estate, 5 rent is agreed to be paid at stated periods, and such rent shall be and remain due and unpaid for a period of more than days, the lease at the option of the lessor and on notice thereof to the lessee shall expire and be determined. Parol leases terminated by non-payment of rent.
2. The right of landlords and mortgagees to distrain for rent 10 or interest due upon a lease or mortgage, shall be limited to the goods and chattels of the lessee or mortgagor and any member of his family only, and as to such goods and chattels, only to such as are not exempt from seizure under execution. Right of distress limited.
3. No person shall be at liberty to distrain or to claim against 15 an execution or attachment issued out of any Court in this Province, for more than three months arrears of rent, where the same is payable quarterly, or more frequently; nor for more than one year's arrears, where the same is payable less frequently than quarterly; nor for more than one year's arrears 20 of interest on a mortgage. Right of distress limited as against executions, etc.
4. Nothing contained in the preceding sections shall apply to or in any way affect any leases entered into, or mortgages made before the passing hereof. Sects. 1-3 not to apply to prior leases or mortgages.
- 25 5. Where any person being under the age of twenty-one years, or a lunatic, or person of unsound mind, shall be seised of the reversion of land subject to a lease, and such lease, shall contain a covenant not to assign or sublet without leave, the guardian of such infant, or the committee of such lunatic, or person of unsound mind, may with the approbation of the 30 Judge of the Surrogate Court of the county in which the land is situate, to be evidenced by an order to be made in a summary way upon petition, consent to any assignment or transfer of such leasehold interest, in the same manner and with the like effect as if the consent were given by a lessor under no dis- 35 ability. Assignments by persons under disability.
6. Notwithstanding anything contained in section 1 of this Act, if the tenant before actual ejectment or transfer of pos- session pays the rent in arrear and all costs, proceedings for possession shall be stayed and the tenant may continue in pos- 40 session. Stay of proceedings on payment.

No. 113.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting Leases.

First Reading, 25th February, 1886.

Mr. FRENCH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act respecting Landlords and Tenants and
Distress.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1.—(1) In the construction of this Act, the word "Landlord" shall be understood as signifying the person entitled to the immediate reversion, or in the case of joint tenancy or tenancy in common, shall be understood as signifying any one of the persons entitled to such reversion ;

Interpretation
"Landlord."

(2) The word "Premises" shall be understood as signifying lands, houses, or any other corporeal hereditaments.

2. This Act applies to tenancies created after the passing of this Act.

Application of
Act.

3. Where a landlord has by law a right to enter for non-payment of rent, it shall not be necessary to demand the rent on the day when due, or with the strictness required at common law, and a demand of rent shall suffice notwithstanding more or less than the amount really due is demanded, and notwithstanding other requisites of the common law are not complied with: Provided that, unless the premises are vacant, the demand be made fifteen days at least before entry; such demand to be made on the tenant personally anywhere, or on his wife or some other grown up member of his family on the premises.

Common law,
strict demand
of rent dis-
pensed with
when landlord
entitled to re-
enter.

4.—(1) A landlord shall not be entitled to seize under a distress warrant any goods and chattels now exempt from seizure under execution; provided that the tenant gives, or is ready and willing to give, to the landlord immediate possession of the premises in respect of which the rent is due.

Goods exempt
from execu-
tion exempted
from distress
if the tenant
surrender the
term.

(2) The tenant, at any time before such exempted goods and chattels are seized, or before they are sold, may claim this exemption, by giving up possession of the premises to the landlord or his agent, or being ready and offering so to do.

(3) The offer may be made to the landlord or to his agent; and the person authorized to seize and sell the said goods and chattels, or having the custody thereof for the landlord, shall be considered an agent of the landlord for the purpose of the offer and surrender to the landlord of such possession.

(4) Such surrender of possession in pursuance of the landlord's notice shall be a determination of the tenancy.

If landlord wish to seize exempted goods he must give notice that tenant may surrender and claim exemption, &c.

5.—(1) Where a landlord desires to seize such exempted goods he shall, forty-eight hours before distraining for the rent in arrear, serve the tenant with a notice after the tenant has made default in paying his rent; such notice shall inform the tenant what amount is claimed for rent in arrear, and that in default of payment, if he gives up possession of the premises to the landlord within forty-eight hours after service of the notice, he will be entitled to claim exemption for such of his goods and chattels as are exempt from seizure under execution, but that if he neither pays the rent nor gives up possession all his goods and chattels will be liable to seizure, and will be seized and sold to pay the rent in arrear and costs. 5 10

Form of notice.

(2) The notice may be in the form given in the schedule to this Act or to the like effect.

Service of papers.

6.—(1) Service of papers under this Act shall be made either personally or by leaving the same with some grown person being in and apparently residing on the premises occupied by the person to be served; and the person serving the same shall read over the same to the person served, or with whom the same shall be left, and shall explain the purport and intent thereof; 15 20

(2). If the tenant cannot be found, and his place of abode is either not known, or admission thereto cannot be obtained, the posting up of the paper on some conspicuous part of the premises, shall be deemed good service. 25

Defective proceedings.

7. No proceeding under this Act shall be deemed defective or rendered invalid by any objection of form.

Landlords claim for rent limited as against execution creditors.

8. A landlord shall not be entitled to claim as against the execution or attaching creditors of the tenant any further sum than one year's arrears of rent any proviso or covenant in the lease to the contrary notwithstanding. 30

Certain goods on the premises exempt if not belonging to occupant or tenant, &c., or under his control as reputed owner.

9. A landlord shall not be entitled to seize under a distress warrant any goods or chattels except (1) goods and chattels which belong to the tenant, his heirs, executors, administrators or assigns, or other legal representatives, or to his or their sub-tenant, or to occupants under him or them, and (2) except goods and chattels which (if they do not belong as aforesaid) are at the time of seizure in his or their possession, order and disposition by the consent and permission of the owner, and of which (being on the premises and in such possession) with such consent and permission as aforesaid, the tenant or the party or parties aforesaid entitled or interested under or through him, is or are the reputed or apparent owner or owners. 35 40 45

Right of.

10. In every demise hereafter made or entered into, whether by parcel or in writing, unless it shall be otherwise agreed, there shall be deemed to be included an agreement that if the rent reserved, or any part thereof, shall remain unpaid for fifteen days after any of the days on which the same ought to have been paid, although no formal demand shall have been made thereof, it shall be lawful for the landlord, at any time thereafter into and upon the demised premises, or any part thereof, in the name of the whole to re-enter and the same to have again, re-possess, and enjoy as of his former estate. 50 55

11. Where any person being under the age of twenty-^{Assignments to persons under disability.} one years, or a lunatic, or person of unsound mind, shall be seized of the reversion of land subject to a lease, and such lease shall contain a covenant not to assign or sublet without leave,
 5 the guardian of such infant, or the committee of such lunatic, or person of unsound mind may, with the approbation of the Judge of the Surrogate Court of the county in which the land is situate, consent to any assignment or transfer of such leasehold interest, in the same manner and with the like effect
 10 as if the consent were given by a lessor under no disability.

12. The right of a mortgagee to distrain for interest in^{Right of mortgagee to distrain limited.} arrear upon a mortgage, shall be limited to the goods and chattels of the mortgagor, and as to such goods and chattels, to such only as are not exempt from seizure under execution.
 15 This section shall not apply to existing mortgages.

Take notice, that I claim \$ for rent due to me in respect of the premises which you hold as my tenant, namely, (*here briefly describe them*); and unless the said rent is paid meantime, I demand from you immediate possession of the said premises; and I am ready to leave in your possession such of your goods and chattels as in that case only you are entitled to claim exemption for.

Take notice further, that if you neither pay the said rent, nor give me^{Form of notice to tenant under s. 5} up possession of the said premises within forty-eight hours after the service of this notice, I am by law entitled to seize and sell, and I intend to seize and sell all your goods and chattels, or such part thereof as may be necessary for the payment of the said rent and costs.

This notice is given under the Act of the Legislature of Ontario, passed in the year 1886, and entitled An Act respecting Landlords and Tenants.
 Dated this day of A.D.

(Signed) A. B. (*landlord*).

To C. D. (*tenant*).

No. 113.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting Landlords and Tenants,
and Distress.

*(Reprinted as amended by Select
Committee.)*

First Reading, 25th February, 1886.

Mr. FRENCH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act respecting Liquor Licenses.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 35 of *The Liquor License Act, 1884*, is repealed ^{47 V. c. 34, s. 35, repealed.} and the following substituted therefor :

35. Over and above the duties for licenses heretofore imposed by *The Liquor License Act*, or any Act amending the same, and any duties which have been or may be imposed by any municipal by-law, unless the municipality shall by by-law otherwise provide, there shall be paid, in order to the raising of a revenue for provincial purposes, for the exclusive use of this Province, the following additional duties thereon, the whole of which shall form part of the Consolidated Revenue of the Province :
- 15 1. For each wholesale license in cities of over 20,000 inhabitants.....
- For each wholesale license in cities of less than 20,000 inhabitants and in other municipalities
- 20 2. For each tavern or shop license in cities of over 20,000 inhabitants.....
- For each tavern or shop license in cities of less than 20,000 inhabitants.....
- 25 For each tavern or shop license in towns
- “ “ in incorporated villages
- “ “ in townships
- For each tavern license in cities granted to premises exempted from the necessity of having all the tavern accommodation provided by law under the Revised Statute, chapter 181, section 4, sub-section 3, as amended by *The Liquor License Act, 1884*, section 2
- 30 do. do. in towns
- 35 3. For each beer and wine license, a fee in addition to that provided by the Act 44 Victoria, chapter 27, section 2, sub-section 4, (1881), of one-fourth that hereby added to tavern licenses
- 40 4. For each vessel license, (a) great lakes.....
- do. do. (b) do. beer and wine
- do. do. (c) inland waters.....
- do. do. (d) do. beer and wine

(a). The population of a city for the purpose of this section shall be determined by the enumeration taken by the municipal assessors at the last preceding assessment.

License duties imposed by municipalities.

(b). Nothing herein contained shall limit the right of the council of any municipality, without submitting the same to the ratepayers, by their by-law to fix the duties or fees upon tavern or shop licenses, wholly for the use of the municipality, to the extent provided for by section 32 of *The Liquor License Act*, and the sum so fixed, or to be fixed, by any municipal council, may be, in addition to the sum imposed by this section, in and for the respective municipalities above mentioned.

Time to pass by-laws requiring larger duty extended.

2. The time in which during the present year, 1886, any municipality may require a larger duty to be paid for tavern or shop licenses therein is hereby extended to the twentieth day of April, of the said year, and any municipality may vary, amend or repeal any by-law of such municipality now existing, or which may be hereafter passed, in respect to license duties as late as the twentieth day of April, during the present year.

R. S. O. c. 181, s. 32, sub-s. 2, amended.

3. Sub-section 2 of section 32 of *The Liquor License Act* is amended by adding the following words thereto: "But if passed later than the 1st day of March in any year it shall come into force on the 1st day of May of the next succeeding year and shall remain in force until repealed."

Sec. 51, cap. 181, R. S. O. as amended by 44 V. c. 27, s. 5, repealed.

4. Section 51 of *The Liquor License Act*, and section 5 of chapter 27 of the Acts passed in the 44th year of Her Majesty's reign, (1881), are hereby repealed, and the following substituted therefor:

Penalty for selling without license.

51. Any person who sells or barter spirituous, fermented or manufactured liquors of any kind, or intoxicating liquors of any kind, without the license therefor by law required, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than \$50 besides costs, and not more than \$100 besides costs; and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period of not less than three calendar months, and to be kept at hard labour, in the discretion of the police magistrate or other convicting justice; and for the second offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of four calendar months, to be kept at hard labour in the discretion of the police magistrate or other convicting justice; and for the third or subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of six calendar months, to be kept at hard labour in the discretion of the police magistrate or other convicting justice; and in the event of the imprisonment of any person upon several warrants of commitment under different convictions in pursuance of this Act, whether issued in default of distress for a penalty or otherwise, the terms of imprisonment under such warrants shall be consecutive and not concurrent.

Punishments provided for second and third offences.

Penalty for violations in cases not otherwise provided for.

5.—(51a.) Any person who violates any other provision of this Act, or of *The Liquor License Act*, or of any of the amendments thereto, in respect of which violation no other punishment is pre-

scribed, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than \$20 besides costs, and not more than \$50, besides costs; and for the second offence, on conviction thereof, such person shall forfeit and
 5 pay a penalty of not less than \$40, besides costs, and not more than \$60, besides costs, and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period not exceeding two calendar months, and to be kept at hard
 10 labour, in the discretion of the Police Magistrate or other convicting Justice; and for the third or subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of three calendar months, to be kept at hard labour in the discretion of the Police Magistrate or other con-
 15 victing Justice; and in the event of the imprisonment of any person upon several warrants of commitment under different convictions in pursuance of this Act, whether issued in default of distress for a penalty or otherwise, the terms of imprisonment under such warrants shall be consecutive and not con-
 20 current.

Punishments
for second and
third offences.

6. Section 92 of *The Liquor License Act*, is amended by adding thereto the following sub-section:

Section 92 of
R. S. O. cap.
181 amended.

(2) One of such officers may be designated "Provincial Inspector," and it shall be his duty—

Provincial In-
spector may
be appointed.

25 a. To make a personal inspection of each license district;

b. To see that the books of each district inspector are properly kept, and that all entries are properly made; and to examine into his accounts and into his mode of inspection, and to ascertain that the duties of the office are faithfully and
 30 efficiently performed;

c. To hold investigations when complaints are made, or charges preferred, or whenever he has reason to believe an investigation to be required in the public interest; or when required so to do by the head of the Department;

35 d. To report upon all such matters as expeditiously as may be to the Lieutenant-Governor for his information and decision;

e. When the said Provincial Inspector shall inquire or cause an inquiry to be made into the conduct of any Inspector, or into the manner in which the law is enforced, or into the accounts
 40 of the Inspector, it shall be lawful for him to require that the evidence shall be given under oath, which oath he is hereby empowered to administer. He shall also have power to summon witnesses, and to enforce their attendance and to compel the production of books and documents, in the same manner and
 45 to the same extent as the Inspector of Division Courts.

Penalty for
using prohibi-
ted internal
communica-
tions.

7. Section 96 of the said *Liquor License Act* is amended by striking out the first seven lines thereof, and by substituting the following therefor:

96. Any Justice of the Peace, or Police Magistrate, upon the
 50 information of any such officer, policeman, constable or Inspector that there is reasonable ground for belief that any spirituous or fermented liquor is being kept for sale, or disposal contrary to the provisions of this Act in any unlicensed house

or place within the jurisdiction of such Justice or Magistrate may grant a warrant under his hand.

Sec. 15 of Act
1881, repealed.

8. Section 15, of chapter 27, of the Acts passed in the 44th year of Her Majesty's reign, (1881), is hereby repealed, and the following substituted therefor:—

5

Duties payable for
licenses issued
under sec. 99,
sub-secs. 4, & 8,
C. T. A. 1878.

15. The following license duties for licenses issued under and in pursuance of sub-sections 4 and 8, of section 99, of *The Canada Temperance Act, 1878*, shall hereafter be payable :

For each druggist's or shop license in cities	
“ “ “ towns	10
“ “ “ other municipalities	
For each wholesale license in cities	
“ “ “ towns	
“ “ “ other municipalities	15

Section 82,
R. S. O. c. 181,
repealed

9. Section 82 of *The Liquor License Act*, is repealed, and the following substituted therefor:

Light in bar
prima facie
evidence of
sale.

82a. In cities, towns and incorporated villages in all cases where gas or other light is seen burning in the bar-room of such tavern or saloon where liquor is trafficked in, at any time during which the sale or other disposal of liquors is prohibited by any provision of *The Liquor License Act*, or of any amendment thereto or of this Act, any such fact when proved, shall be deemed and taken as *prima facie* evidence that a sale or other disposal of liquor by the keeper of such tavern or other place has taken place contrary to the provisions of section 43, of *The Liquor License Act*, and such keeper may thereupon be convicted of an offence against said section, and shall, upon such conviction, be subject to the punishment prescribed by section of this Act.

30

When keeper
of house guilty
of violation of
provisions as
to Sunday
closing.

10. Any keeper of a licensed tavern in a city or town who allows or suffers any person or persons to frequent or to be present in the bar-room of such licensed tavern where liquor is trafficked in, at any time between the hours of seven o'clock on Saturday night and six o'clock on Monday morning thereafter, shall be guilty of an offence under this Act, unless it be established to the satisfaction of the Police Magistrate or other Justice or Justices before whom the prosecution is heard,

1. That the person so found frequenting, or present in the bar-room where liquor is trafficked in, as aforesaid, was at the time he or she so frequented, or was present in such bar-room, a member of the family or household, (other than a lodger, boarder or guest) or a servant, or employee of such keeper actually engaged in necessary domestic occupation or service within the said bar-room,

45

2. Or that such person was present therein lawfully engaged in receiving or supplying liquor under a proper requisition therefor for medical purposes, duly signed by a licensed medical practitioner, or by a Justice of the Peace.

When persons
other than
keeper of
house guilty.

11. Any person so found in such bar-room, or who has been present therein during the prohibited hours, in the preceding section mentioned, and who does not come within the excep-

tions and proviso in that section contained, shall be guilty of an offence under this Act, and upon conviction thereof shall be liable to a penalty for each offence of not more than \$10 and not less than \$2 with costs.

5 **12.** Section 20 of chapter 27 of the Acts passed in the 44th year of Her Majesty's reign, (1881), is amended by striking out the words "from grapes grown in Ontario" in the fourth line thereof, and by inserting the following after the word "alcohol" in the fifth line: "and in light foreign wines containing not more than twenty per cent. of alcohol."

Beer and wine licenses.

13. Section 22 of chapter 27 of the said last-mentioned Act, is amended by inserting the following after the words "fifteen per cent." in the eighth line thereof: "or light foreign wines containing a greater quantity of alcohol than twenty per cent.," and also by inserting the following after the words: "fifteen per cent.," in the twenty-fourth line thereof, "or light foreign wines containing a greater percentage of alcohol than twenty per cent. thereof."

Sec. 22 of Act of 1881 amended.

14. The following shall be added as sub-section 2 to section 13 of *The Liquor License Act, 1884.*

Addition to s. 13 of Act of 1884.

(a). Any Inspector who shall knowingly or wilfully violate the provisions of this section shall incur a penalty of not less than \$10 and not more than \$20.

15. Where the council of any city, town, village or township has by by-law required licensed shop-keepers to confine the business of their shops so licensed solely and exclusively to the keeping and selling of liquor, any person who makes or uses, or allows to be made or used, any internal communication between any such licensed premises and any shop or premises in which other goods are sold, shall be liable to a penalty upon conviction for the first offence of not less than \$20 and not exceeding \$50 for every day, or part of a day, upon which such communication remains open, and in default of payment thereof, shall be imprisoned in the county gaol of the county in which the offence was committed, for a period of not less than one calendar month, to be kept at hard labour in the discretion of the convicting justice, and for a second offence upon conviction thereof his license shall, *ipso facto*, become forfeited and void.

Penalty for allowing internal communication.

16. A Chief Inspector may be appointed for the City of Toronto, and he shall have jurisdiction throughout the said city. He shall perform all the duties of an Inspector and shall have all the rights, powers and authority thereof, and shall be charged with the duty of seeing that this Act is enforced in the Districts into which the said city is divided. He shall, unless the Lieutenant-Governor otherwise directs, act as the Secretary of the Board and shall, in company with the Inspector, visit and inspect all premises for which a license is sought, and shall perform such other duties as may be assigned to him by the Board of Commissioners or by the Lieutenant-Governor in Council.

Chief inspector may be appointed in Toronto.

17. When by the said Liquor License Act, or any of its amendments, or by this Act, it is provided that any prosecution may take place before two or more of Her Majesty's Justices of the Peace, having jurisdiction in the county or district in which the offence is charged to have been committed, then in case an offence is committed in a township, or in an incorporated, or police village, or in an unorganized district, the prosecution may take place before, and a conviction or order may be made by, one or more of such justices of the peace, instead of "two or more" of such justices, whenever an appeal lies against such conviction or order to the county judge. When such prosecution takes place before, or a conviction or order is made by, one justice instead of two or more, the forms in the schedules of the said Act or amendments may be altered and adapted so as to meet the exigencies of the case.

One justice
may hear case
in rural muni-
cipalities.

18. Nothing in this Act contained shall affect the validity of any pending prosecution, or proceedings, or of any convictions, order or warrants, or any thing done thereunder; but all such prosecutions or proceedings now pending, shall continue to completion as though this Act had not been passed, and any such conviction, order or warrant, shall continue in force, and may be enforced or acted upon, as though this Act had not been passed.

Pending pro-
ceedings not
to be affected.

19. This Act shall be read with, and as part and parcel of the said Liquor License Act and the amendments thereto, and may be cited as "*The Liquor License Act, 1886.*"

Short title.

No. 114.

2nd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting Liquor Licenses.

First Reading, 25th February, 1886.

Mr. HARDY.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting Liquor Licenses.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 5 1. Section 35 of *The Liquor License Act, 1884*, is repealed 47 V. c. 34, s. 35, repealed.
and the following substituted therefor :

35. Over and above the duties for licenses heretofore imposed by *The Liquor License Act*, or any Act amending the same, and any duties which have been or may be imposed by any municipal by-law, unless the municipality shall by by-law
10 otherwise provide, there shall be paid, in order to the raising of a revenue for provincial purposes, for the exclusive use of this Province, the following additional duties thereon, the whole of which shall form part of the Consolidated Revenue of the Province :

15	1. For each wholesale license in cities of over 20,000 inhabitants.....	\$150 00
	For each wholesale license in cities of less than 20,000 inhabitants and in other municipalities	100 00
20	2. For each tavern or shop license in cities of over 20,000 inhabitants.....	150 00
	For each tavern or shop license in cities of less than 20,000 inhabitants.....	100 00
	For each tavern or shop license in towns	70 00
25	“ “ in incorporated villages	60 00
	“ “ in townships	30 00
	For each tavern license in cities granted to premises exempted from the necessity of having all the tavern accommodation provided by law under the Revised Statute, chapter 181, section 4, sub-section 3, as amended by <i>The Liquor License Act, 1884</i> , section 2	200 00
30	do. do. in towns	170 00
35	3. For each beer and wine license, a fee in addition to that provided by the Act 44 Victoria, chapter 27, section 2, sub-section 4, (1881), of one-fourth that hereby added to tavern licenses	
40	4. For each vessel license, (a) great lakes.....	75 00
	do. do. (b) do. beer and wine	25 00
	do. do. (c) inland waters.....	40 00
	do. do. (d) do. beer and wine	15 00

(a). The population of a city for the purpose of this section shall be determined by the enumeration taken by the municipal assessors at the last preceding assessment.

License duties imposed by municipalities.

(b). Nothing herein contained shall limit the right of the council of any municipality, without submitting the same to the ratepayers, by their by-law to fix the duties or fees upon tavern or shop licenses, wholly for the use of the municipality, to the extent provided for by section 32 of *The Liquor License Act*, and the sum so fixed, or to be fixed, by any municipal council, may be, in addition to the sum imposed by this section, in and for the respective municipalities above mentioned.

Time to pass by-laws requiring larger duty extended.

2. The time in which during the present year, 1886, any municipality may require a larger duty to be paid for tavern or shop licenses therein is hereby extended to the twentieth day of April, of the said year, and any municipality may vary, amend or repeal any by-law of such municipality now existing, or which may be hereafter passed, in respect to license duties as late as the twentieth day of April, during the present year.

R. S. O. c. 181, s. 32, sub-s. 2, amended.

3. Sub-section 2 of section 32 of *The Liquor License Act* is amended by adding the following words thereto: "But if passed later than the 1st day of March in any year it shall come into force on the 1st day of May of the next succeeding year and shall remain in force until repealed."

Sec. 51, cap. 181, R. S. O. as amended by 44 V. c. 27, s. 5, repealed.

4. Section 51 of *The Liquor License Act*, and section 5 of chapter 27 of the Acts passed in the 44th year of Her Majesty's reign, (1881), are hereby repealed, and the following substituted therefor:

Penalty for selling without license.

51. Any person who sells or barter spirituous, fermented or manufactured liquors of any kind, or intoxicating liquors of any kind, without the license therefor by law required, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than \$50 besides costs, and not more than \$100 besides costs; and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period of not less than three calendar months, and to be kept at hard labour, in the discretion of the police magistrate or other convicting justice; and for the second offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of four calendar months, to be kept at hard labour in the discretion of the police magistrate or other convicting justice; and for the third or subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of six calendar months, to be kept at hard labour in the discretion of the police magistrate or other convicting justice; and in the event of the imprisonment of any person upon several warrants of commitment under different convictions in pursuance of this Act, whether issued in default of distress for a penalty or otherwise, the terms of imprisonment under such warrants shall be consecutive and not concurrent.

Punishments provided for second and third offences.

Penalty for violations in case not otherwise provided for.

5.—(51a.) Any person who violates any other provision of this Act, or of *The Liquor License Act*, or of any of the amendments thereto, in respect of which violation no other punishment is pre-

scribed, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than \$20 besides costs, and not more than \$50, besides costs; and for the second offence, on conviction thereof, such person shall forfeit and pay a penalty of not less than \$40, besides costs, and not more than \$60, besides costs, and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period not exceeding two calendar months, and to be kept at hard labour, in the discretion of the Police Magistrate or other convicting Justice; and for the third or subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of three calendar months, to be kept at hard labour in the discretion of the Police Magistrate or other convicting Justice; and in the event of the imprisonment of any person upon several warrants of commitment under different convictions in pursuance of this Act, whether issued in default of distress for a penalty or otherwise, the terms of imprisonment under such warrants shall be consecutive and not concurrent.

Punishments
for second and
third offences.

6. Section 92 of *The Liquor License Act*, is amended by adding thereto the following sub-section:

Section 92 of
R. S. O. cap.
181 amended.

(2) One of such officers may be designated "Provincial Inspector," and it shall be his duty—

Provincial In-
spector may
be appointed.

25 a. To make a personal inspection of each license district;

b. To see that the books of each district inspector are properly kept, and that all entries are properly made; and to examine into his accounts and into his mode of inspection, and to ascertain that the duties of the office are faithfully and efficiently performed;

30 c. To hold investigations into the conduct of *Inspectors and Commissioners* when required so to do by the head of the Department;

d. To report upon all such matters as expeditiously as may be to the Lieutenant-Governor for his information and decision;

e. When the said Provincial Inspector shall inquire or cause an inquiry to be made into the conduct of any Inspector, or into the manner in which the law is enforced, by the *Inspector* or into the accounts of the Inspector, it shall be lawful for him to require that the evidence shall be given under oath, which oath he is hereby empowered to administer. He shall also have power to summon witnesses, and to enforce their attendance and to compel the production of books and documents, in the same manner and to the same extent as the Inspector of Division Courts.

7. Section 96 of the said *Liquor License Act* is amended by striking out the first seven lines thereof, and by substituting the following therefor:

R. S. O. c. 181,
s. 96, amended.

96. Any Justice of the Peace, or Police Magistrate, upon information by any such officer, policeman, constable or Inspector that there is reasonable ground for belief that any spirituous or fermented liquor is being kept for sale, or disposal contrary to the provisions of this Act in any unlicensed house

or place within the jurisdiction of such Justice or Magistrate may grant a warrant under his hand.

Sec. 15 of Act of 1881, repealed.

8. Section 15, of chapter 27, of the Acts passed in the 44th year of Her Majesty's reign, (1881), is hereby repealed, and the following substituted therefor :—

5

Duties payable for licenses issued under sec. 99, sub-secs. 4, & 8, C. T. A. 1878.

15. The following license duties for licenses issued under and in pursuance of sub-sections 4 and 8, of section 99, of *The Canada Temperance Act, 1878*, shall hereafter be payable :

For each druggist's or shop license in cities	\$75 00
“ “ “ towns	50 00 10
“ “ “ other municipalities	30 00
For each wholesale license in cities	150 00
“ “ “ towns	100 00
“ “ “ other municipalities	60 00 15

Section 82, R. S. O. c. 181, repealed

9. Section 82 of *The Liquor License Act*, is repealed, and the following substituted therefor :

Light in bar *prima facie* evidence of sale.

82a. In cities, towns and incorporated villages in all cases where gas or other light is seen burning in the bar-room of such tavern or saloon where liquor is trafficked in, at any time 25 during which the sale or other disposal of liquors is prohibited by any provision of *The Liquor License Act*, or of any amendment thereto or of this Act, any such fact when proved, shall be deemed and taken as *prima facie* evidence that a sale or other disposal of liquor by the keeper of such tavern or other 30 place has taken place contrary to the provisions of section 43, of *The Liquor License Act*, and such keeper may thereupon be convicted of an offence against said section, and shall, upon such conviction, be subject to the punishment prescribed by section 51a of this Act. 35

When keeper of house guilty of violation of provisions as to Sunday closing.

10. The keeper of any licensed tavern in a city or town shall keep the bar-room or room in which liquor is trafficked in, closed as against all persons, other than those permitted to enter the same under sub-sections 1 and 2 of this section, between the hours of seven o'clock on Saturday night and six o'clock on 40 Monday morning thereafter ; and any keeper of such licensed tavern who allows or suffers any person or persons to frequent or to be present in such bar-room or room in which liquor is trafficked in during the time aforesaid, shall be guilty of an offence under this Act, unless it be established to the satisfaction of the Police Magistrate or other justice or justices before whom the prosecution is heard, 45

1. That the person so found frequenting, or present in the bar-room where liquor is trafficked in, as aforesaid, was at the time he or she so frequented, or was present in such bar-room, 50 a member of the family or household, (other than a lodger, boarder or guest) or a servant, or employee of such keeper actually engaged in necessary domestic occupation or service within the said bar-room,

2. Or that such person was present therein lawfully en- 50 gaged in receiving or supplying liquor which might lawfully be sold during said prohibited hours.

3. The word "Keeper" when used in this section shall include the person actually contravening the provisions of this section, whether acting on behalf of himself or of another or others, and the actual offender as well as the "keeper" of the licensed tavern shall be personally liable to the penalties and punishments which may be imposed for the infraction or violation of this section, and at the prosecutor's option the actual offender may be prosecuted jointly with or separately from the keeper, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other of them therefor.

11. Any person so found in such bar-room, or who has been present therein during the prohibited hours, in the preceding section mentioned, and who does not come within the exceptions and proviso in that section contained, shall be guilty of an offence under this Act, and upon conviction thereof shall be liable to a penalty for each offence of not more than \$10 and not less than \$2 with costs.

12.—(1) No person shall by himself or his partner, servant, clerk, agent or otherwise sell or deliver intoxicating liquors of any kind to any person not entitled to sell liquor, and who sells such liquors, or who buys for the purpose of re-selling, and any violation of the foregoing provision shall be an offence under this Act.

(2). But no person shall be convicted under this section who establishes to the satisfaction of the Police Magistrate or other Justice or Justices before whom the prosecution is heard that he had reason to believe and did believe that the person to whom the liquor was sold or delivered was duly licensed to sell such liquor, or did not sell liquor unlawfully and did not buy to re-sell.

(3). This section applies only to a sale or delivery of liquor in any city, town or village by a person residing or carrying on business therein to a person who sells liquor unlawfully in the same city, town or village.

13. Section 20 of chapter 27 of the Acts passed in the 44th year of Her Majesty's reign, (1881), is amended by striking out the words "from grapes grown in Ontario" in the fourth line thereof, and by inserting the following after the word "alcohol" in the fifth line: "and in light foreign wines containing not more than *fifteen* per cent. of alcohol."

14. Section 22 of the said last-mentioned Act, is amended by inserting the following after the words "fifteen per cent." in the eighth line thereof: "or light foreign wines containing a greater quantity of alcohol than *fifteen* per cent.," and also by inserting the following after the words: "fifteen per cent.," in the twenty-fourth line thereof, "or light foreign wines containing a greater percentage of alcohol than *fifteen* per cent. thereof." *The percentage shall be determined by weight.*

15. The following shall be added as sub-section 2 to section 13 of *The Liquor License Act, 1884.*

When persons other than keeper of house guilty.

Prohibition of sale to un-licensed persons.

Beer and wine licenses.

Sec. 22 of Act of 1881 amended.

Addition to s. 13 of Act of 1884.

(u). Any Inspector who shall knowingly or wilfully violate the provisions of this section shall incur a penalty of not less than \$10 and not more than \$20.

Penalty for allowing internal communication.

16. Where the council of any city, town, village or township has by by-law required licensed shop-keepers to confine the business of their shops so licensed solely and exclusively to the keeping and selling of liquor, any person who makes or uses, or allows to be made or used, any internal communication between any such licensed premises and any shop or premises in which other goods are sold, shall be liable to a penalty upon conviction for the first offence of not less than \$20 and not exceeding \$50 for every day, or part of a day, upon which such communication remains open, and in default of payment thereof, shall be imprisoned in the county gaol of the county in which the offence was committed, for a period of not less than one calendar month, to be kept at hard labour in the discretion of the convicting justice, and for a second offence upon conviction thereof his license shall, *ipso facto*, become forfeited and void.

Chief inspector may be appointed in Toronto.

17. A Chief Inspector may be appointed for the City of Toronto, and he shall have jurisdiction throughout the said city. He shall perform all the duties of an Inspector and shall have all the rights, powers and authority thereof, and shall be charged with the duty of seeing that this Act is enforced in the Districts into which the said city is divided. He shall, unless the Lieutenant-Governor otherwise directs, act as the Secretary of the Board and shall, in company with the Inspector, visit and inspect all premises for which a license is sought, and shall perform such other duties as may be assigned to him by the Board of Commissioners or by the Lieutenant-Governor in Council.

One justice may hear case in rural municipalities.

18. When by the said Liquor License Act, or any of its amendments, or by this Act, it is provided that any prosecution may take place before two or more of Her Majesty's Justices of the Peace, having jurisdiction in the county or district in which the offence is charged to have been committed, then in case an offence is committed in a township, or in an incorporated, or police village, or in an unorganized district, the prosecution may take place before, and a conviction or order may be made by, one or more of such justices of the peace, instead of "two or more" of such justices, whenever an appeal lies against such conviction or order to the county judge. When such prosecution takes place before, or a conviction or order is made by, one justice instead of two or more, the forms in the schedules of the said Act or amendments may be altered and adapted so as to meet the exigencies of the case.

R. S. O. c. 181, s. 15, is amended.

19. Section 15 of the said *Liquor License Act* is amended by adding the words "and in the Town of Port Arthur three hotels" immediately after the word "Niagara" where it occurs in the third line of the second sub-section thereof.

Pending proceedings not to be affected.

20. Nothing in this Act contained shall affect the validity of any pending prosecution, or proceedings, or of any convictions, order or warrants, or any thing done thereunder; but all

such prosecutions or proceedings now pending, shall continue to completion as though this Act had not been passed, and any such conviction, order or warrant, shall continue in force, and may be enforced or acted upon, as though this Act had not been
5 passed.

21. This Act shall be read with, and as part and parcel of Short title.
the said Liquor License Act and the amendments thereto, and
may be cited as "*The Liquor License Act, 1886.*"

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting Liquor Licenses.

*(Reprinted as amended by Committee of
the Whole House.)*

First Reading,	25th February,	1886.
Second	" 2nd March,	1886.

Mr. HARDY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting Liquor Licenses.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 35 of *The Liquor License Act, 1884*, is repealed ^{47 V. c. 34, s. 35, repealed.} and the following substituted therefor :

35. Over and above the duties for licenses heretofore imposed by *The Liquor License Act*, or any Act amending the same, and any duties which have been or may be imposed by any municipal by-law, unless the municipality shall by by-law otherwise provide, there shall be paid, in order to the raising of a revenue for provincial purposes, for the exclusive use of this Province, the following additional duties thereon, the whole of which shall form part of the Consolidated Revenue of the Province :

15	1. For each wholesale license in cities of over 20,000 inhabitants.....	\$150 00
	For each wholesale license in cities of less than 20,000 inhabitants and in other municipalities	100 00
20	2. For each tavern or shop license in cities of over 20,000 inhabitants.....	150 00
	For each tavern or shop license in cities of less than 20,000 inhabitants.....	100 00
	For each tavern or shop license in towns	70 00
25	“ “ in incorporated villages	60 00
	“ “ in townships	30 00
	For each tavern license in cities granted to premises exempted from the necessity of having all the tavern accommodation provided by law under the Revised Statute, chapter 181, section 4, sub-section 3, as amended by <i>The Liquor License Act, 1884</i> , section 2	200 00
30	do. do. in towns	170 00
35	3. For each beer and wine license, a fee in addition to that provided by the Act 44 Victoria, chapter 27, section 2, sub-section 4, (1881), of one-fourth that hereby added to tavern licenses	
40	4. For each vessel license, (a) great lakes.....	75 00
	do. do. (b) do. beer and wine	25 00
	do. do. (c) inland waters.....	40 00
	do. do. (d) do. beer and wine	15 00

(a). The population of a city for the purpose of this section shall be determined by the enumeration taken by the municipal assessors at the last preceding assessment.

License duties imposed by municipalities.

(b). Nothing herein contained shall limit the right of the council of any municipality, without submitting the same to the ratepayers, by their by-law to fix the duties or fees upon tavern or shop licenses, wholly for the use of the municipality, to the extent provided for by section 32 of *The Liquor License Act*, and the sum so fixed, or to be fixed, by any municipal council, may be, in addition to the sum imposed by this section, in and for the respective municipalities above mentioned.

Time to pass by-laws requiring larger duty extended.

2. The time in which during the present year, 1886, any municipality may require a larger duty to be paid for tavern or shop licenses therein is hereby extended to the twentieth day of April, of the said year, and any municipality may vary, amend or repeal any by-law of such municipality now existing, or which may be hereafter passed, in respect to license duties as late as the twentieth day of April, during the present year.

R. S. O. c. 181, s. 32, sub-s. 2, amended.

3. Sub-section 2 of section 32 of *The Liquor License Act* is amended by adding the following words thereto: "But if passed later than the 1st day of March in any year it shall come into force on the 1st day of May of the next succeeding year and shall remain in force until repealed."

Sec. 51, cap. 181, R. S. O. as amended by 44 V. c. 27, s. 5, repealed.

4. Section 51 of *The Liquor License Act*, and section 5 of chapter 27 of the Acts passed in the 44th year of Her Majesty's reign, (1881), are hereby repealed, and the following substituted therefor:

Penalty for selling without license.

51. Any person who sells or barter spirituous, fermented or manufactured liquors of any kind, or intoxicating liquors of any kind, without the license therefor by law required, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than \$50 besides costs, and not more than \$100 besides costs; and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period of not less than three calendar months, and to be kept at hard labour, in the discretion of the police magistrate or other convicting justice; and for the second offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of four calendar months, to be kept at hard labour in the discretion of the police magistrate or other convicting justice; and for the third or subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of six calendar months, to be kept at hard labour in the discretion of the police magistrate or other convicting justice; and in the event of the imprisonment of any person upon several warrants of commitment under different convictions in pursuance of this Act, whether issued in default of distress for a penalty or otherwise, the terms of imprisonment under such warrants shall be consecutive and not concurrent.

Punishments provided for second and third offences.

Penalty for violations in cases not otherwise provided for.

5. Any person who violates any other provision of this Act, or of *The Liquor License Act*, or of any of the amendments thereto, in respect of which violation no other punishment is pre-

scribed, shall for the first offence, on conviction thereof, forfeit and pay a penalty of not less than \$20 besides costs, and not more than \$50, besides costs; and for the second offence, on conviction thereof, such person shall forfeit and pay a penalty of not less than \$40, besides costs, and not more than \$60, besides costs, and in default of payment thereof he shall be imprisoned in the county gaol of the county in which the offence was committed, for a period not exceeding two calendar months, and to be kept at hard labour, in the discretion of the Police Magistrate or other convicting Justice; and for the third or subsequent offence, on conviction thereof, such person shall be imprisoned in such gaol for the period of three calendar months, to be kept at hard labour in the discretion of the Police Magistrate or other convicting Justice; and in the event of the imprisonment of any person upon several warrants of commitment under different convictions in pursuance of this Act, whether issued in default of distress for a penalty or otherwise, the terms of imprisonment under such warrants shall be consecutive and not concurrent.

Punishments
for second and
third offences.

6. Section 92 of *The Liquor License Act*, is amended by adding thereto the following sub-section:

Section 92 of
R. S. O. cap.
181 amended.

(2) One of such officers may be designated "Provincial Inspector," and it shall be his duty—

Provincial In-
spector may
be appointed.

25 a. To make a personal inspection of each license district;

b. To see that the books of each district inspector are properly kept, and that all entries are properly made; and to examine into his accounts and into his mode of inspection, and to ascertain that the duties of the office are faithfully and efficiently performed;

c. To hold investigations into the conduct of Inspectors and Commissioners when required so to do by the head of the Department;

d. To report upon all such matters as expeditiously as may be to the Lieutenant-Governor for his information and decision;

e. When the said Provincial Inspector shall inquire or cause an inquiry to be made into the conduct of any Inspector, or into the manner in which the law is enforced, by the Inspector or into the accounts of the Inspector, it shall be lawful for him to require that the evidence shall be given under oath, which oath he is hereby empowered to administer. He shall also have power to summon witnesses, and to enforce their attendance and to compel the production of books and documents, in the same manner and to the same extent as the Inspector of Division Courts.

7. Section 96 of the said *Liquor License Act* is amended by striking out the first seven lines thereof, and by substituting the following therefor:

R. S. O. c. 181,
s. 96, amended.

96. Any Justice of the Peace, or Police Magistrate, upon information by any such officer, policeman, constable or Inspector that there is reasonable ground for belief that any spirituous or fermented liquor is being kept for sale, or disposal contrary to the provisions of this Act in any unlicensed house

or place within the jurisdiction of such Justice or Magistrate may grant a warrant under his hand.

Sec. 15 of Act of 1881, repealed.

8. Section 15, of chapter 27, of the Acts passed in the 44th year of Her Majesty's reign, (1881), is hereby repealed, and the following substituted therefor:—

5

Duties payable for licenses issued under sec. 99, sub-secs. 4, & 8, C. T. A. 1878.

15. The following license duties for licenses issued under and in pursuance of sub-sections 4 and 8, of section 99, of *The Canada Temperance Act, 1878*, shall hereafter be payable:

For each druggist's or shop license in cities	\$75 00	
“ “ “ towns.....	50 00	10
“ “ “ other municipi- palities	30 00	
For each wholesale license in cities.....	150 00	
“ “ “ towns	100 00	
“ “ “ other municipalities	60 00	15

Section 82, R. S. O. c. 181, repealed

9. Section 82 of *The Liquor License Act*, is repealed.

Light in bar *prima facie* evidence of sale.

9a. In cities, towns and incorporated villages in all cases where gas or other light is seen burning in the bar-room of such tavern or saloon where liquor is trafficked in, at any time during which the sale or other disposal of liquors is prohibited by any provision of *The Liquor License Act*, or of any amendment thereto or of this Act, any such fact when proved, shall be deemed and taken as *prima facie* evidence that a sale or other disposal of liquor by the keeper of such tavern or other place has taken place contrary to the provisions of section 43, of *The Liquor License Act*, and such keeper may thereupon be convicted of an offence against said section, and shall, upon such conviction, be subject to the punishment prescribed by section 5 of this Act.

When keeper of house guilty of violation of provisions as to Sunday closing.

10. The keeper of any licensed tavern in a city or town shall keep the bar-room or room in which liquor is trafficked in, closed as against all persons, other than those permitted to enter the same under sub-sections 1 and 2 of this section, between the hours of seven o'clock on Saturday night and six o'clock on Monday morning thereafter; and any keeper of such licensed tavern who allows or suffers any person or persons to frequent or to be present in such bar-room or room in which liquor is trafficked in during the time aforesaid, shall be guilty of an offence under this Act, unless it be established to the satisfaction of the Police Magistrate or other justice or justices before whom the prosecution is heard,

1. That the person so found frequenting, or present in the bar-room where liquor is trafficked in, as aforesaid, was at the time he or she so frequented, or was present in such bar-room, a member of the family or household, (other than a lodger, boarder or guest) or a servant, or employee of such keeper actually engaged in necessary domestic occupation or service within the said bar-room,

2. Or that such person was present therein lawfully engaged in receiving or supplying liquor which might lawfully be sold during said prohibited hours,

3. The word "Keeper" when used in this section shall include the person actually contravening the provisions of this section, whether acting on behalf of himself or of another or others; and the actual offender as well as the "keeper" of the licensed tavern shall be personally liable to the penalties and punishments which may be imposed for the infraction or violation of this section, and at the prosecutor's option the actual offender may be prosecuted jointly with or separately from the keeper, but both of them shall not be convicted of the same offence, and the conviction of one of them shall be a bar to the conviction of the other of them therefor.

11. Any person so found in such bar-room, or who has been present therein during the prohibited hours, in the preceding section mentioned, and who does not come within the exceptions and proviso in that section contained, shall be guilty of an offence under this Act, and upon conviction thereof shall be liable to a penalty for each offence of not more than \$10 and not less than \$2 with costs.

When persons other than keeper of house guilty.

12.—(1) No person shall by himself or his partner, servant, clerk, agent or otherwise sell or deliver intoxicating liquors of any kind to any person not entitled to sell liquor, and who sells such liquor, or who buys for the purpose of re-selling, and any violation of the foregoing provision shall be an offence under this Act.

Prohibition of sale to unlicensed persons.

(2). But no person shall be convicted under this section who establishes to the satisfaction of the Police Magistrate or other Justice or Justices before whom the prosecution is heard that he had reason to believe and did believe that the person to whom the liquor was sold or delivered was duly licensed to sell such liquor, or did not sell liquor unlawfully, or did not buy to re-sell.

(3). This section applies only to a sale or delivery of liquor in any city, town or village by a person residing or carrying on business therein to a person who sells liquor unlawfully in the same city, town or village.

13. Section 20 of chapter 27 of the Acts passed in the 44th year of Her Majesty's reign, (1881), is amended by striking out the words "from grapes grown in Ontario" in the fourth line thereof, and by inserting the following after the word "alcohol" in the fifth line: "and in light foreign wines containing not more than fifteen per cent. of alcohol, but not including port, sherry or Madeira wine."

Beer and wine licenses.


14. Section 22 of the said last-mentioned Act, is amended by inserting the following after the words "fifteen per cent. thereof," in the eighth line thereof: "or light foreign wines containing a greater quantity of alcohol than fifteen per cent. thereof," or in port, sherry or Madeira wine, and also by inserting the following after the words: "fifteen per cent. thereof," in the twenty-fourth line thereof, "or light foreign wines containing a greater percentage of alcohol than fifteen per cent. thereof," or port, sherry or Madeira wine. The percentage shall be determined by weight.

Sec. 22 of Act of 1881 amended.

14A. Any holder of a beer and wine license who has been convicted of selling liquor without the license therefor required

Person violating law may be disqualified

from holding
licenses.

by law, or contrary to the terms of his license, or of this Act, or of *The Liquor License Act*, or of the Act passed in the 44th year of Her Majesty's reign, chapter 27, shall, in addition to any other penalty provided, if the Police Magistrate or other Justice or Justices before whom the prosecution was heard, 5 certify that the offence was in his or their opinion a wilful one, be disqualified from having or holding a liquor license for, and during the then next succeeding license year, and any license granted to or obtained by any such person during such period shall be void. 

10

Addition to s.
13 of Act of
1884.

15. The following shall be added as sub-section 2 to section 13 of *The Liquor License Act, 1884*.

(a). Any Inspector who shall knowingly or wilfully violate the provisions of this section shall incur a penalty of not less than \$10 and not more than \$20.

15

Penalty for
allowing in-
ternal com-
munication.

16. Where the council of any city, town, village or township has by by-law required licensed shop-keepers to confine the business of their shops so licensed solely and exclusively to the keeping and selling of liquor, any person who makes or uses, or allows to be made or used, any internal communication 20 between any such licensed premises and any shop or premises in which other goods are sold, shall be liable to a penalty upon conviction for the first offence of not less than \$20 and not exceeding \$50 for every day, or part of a day, upon which such communication remains open, 25 and in default of payment thereof, shall be imprisoned in the county gaol of the county in which the offence was committed, for a period of not less than one calendar month, to be kept at hard labour in the discretion of the convicting justice, and for a second offence upon conviction thereof his 30 license shall, *ipso facto*, become forfeited and void.

Chief inspec-
tor may be
appointed in
Toronto.

17. A Chief Inspector may be appointed for the City of Toronto, and he shall have jurisdiction throughout the said city. He shall perform all the duties of an Inspector and shall have all the rights, powers and authority thereof, and shall be 35 charged with the duty of seeing that this Act is enforced in the Districts into which the said city is divided. He shall, unless the Lieutenant-Governor otherwise directs, act as the Secretary of the Board and shall, in company with the Inspector, visit and inspect all premises for which a license is sought, 40 and shall perform such other duties as may be assigned to him by the Board of Commissioners or by the Lieutenant-Governor in Council.

One justice
may hear case
in rural muni-
cipalities.

18. When by the said Liquor License Act, or any of its amendments, or by this Act, it is provided that any 45 prosecution may take place before two or more of Her Majesty's Justices of the Peace, having jurisdiction in the county or district in which the offence is charged to have been committed, then in case an offence is committed in a township, or in an incorporated, or police village, 50 or in an unorganized district, the prosecution may take place before, and a conviction or order may be made by, one or more of such justices of the peace, instead of "two or more" of such justices, whenever an appeal lies against such conviction

or order to the county judge. When such prosecution takes place before, or a conviction or order is made by, one justice instead of two or more, the forms in the schedules of the said Act or amendments may be altered and adapted so as to meet the exigencies of the case.

19. Section 15 of the said *Liquor License Act* is amended by adding the words "and in the Town of Port Arthur three hotels" immediately after the word "Niagara" where it occurs in the third line of the second sub-section thereof. R. S. O. c. 181,
s. 15, is
amended.

10

20. Nothing in this Act contained shall affect the validity of any pending prosecution, or proceedings, or of any convictions, order or warrants, or any thing done thereunder; but all such prosecutions or proceedings now pending, shall continue to completion as though this Act had not been passed, and any such conviction, order or warrant, shall continue in force, and may be enforced or acted upon, as though this Act had not been passed. Pending pro-
ceedings not
to be affected.

15

21. This Act shall be read with, and as part and parcel of the said *Liquor License Act* and the amendments thereto, and may be cited as "*The Liquor License Act, 1886.*" Short title.

20

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting Liquor Licenses.

(Reprinted as again amended by Committee of the Whole House.)

First Reading,	25th February,	1886.
Second "	2nd March,	1886.

Mr. HARDY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Division Courts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sections 111, 112 and 113 of *The Division Courts Act*, R. S. O. c. 47, 5 and section 44 of *The Division Courts Act*, 1880, are hereby ss. 111 and 112 and 43 V. c. 8, repealed, and the following substituted therefor : s. 44, repealed.

111. All persons whose names appear upon the last revised Who may be and certified voters' lists and marked therein as liable to serve jurors. upon juries, and resident in the several divisions respectively, shall be jurors for the Division Courts in such divisions.

112. The jurors to be summoned to serve at any Division Jurors how Court shall be selected as follows :—At the sittings of each selected and Division Court held next after the passing of this Act, or at such summoned. other convenient time and place as the judge may name, the clerk shall in the presence of the judge select by ballot a number of jurors sufficient for the remainder of the year, from those persons mentioned in the last preceding section as liable to serve as jurors, whose names shall be placed upon a list, and the jurors required at each sittings of the court shall be summoned by the clerk from time to time, in rotation, therefrom. A similar selection shall be made at least once in each year hereafter.

113. For the purposes of the last preceding section, the clerk Division Court for each municipality, wholly or partly within any division, clerk to be shall furnish the Clerk of the Division Court thereof with a furnished with correct copy of the last revised and certified voters' list of such voters' list. municipality.

2. Sections 118 and 119 of *The Division Courts Act* are Secs. 118, 119, hereby amended by substituting for the word "collector" amended. wherever the same occurs in the said sections, the words "clerk of the municipality."

3. Section 37 of the said Act is hereby amended by adding Section 37 after the word "summonses," and before the word "orders," in amended. the first line thereof, the words "all notices fyled by any party to the action."

4. Section 95 of the said Act is hereby amended by striking Section 95 out the word "county" in the fourth line thereof, and substituting the word "province" therefor. amended.

5. Section 98 of the said Act is hereby repealed, and the following is substituted therefor : Section 98 repealed.

Expenses to
be paid witness
out of county.

Any person served with any such subpcena, who is resident in Ontario, but out of the county in which such Division Court is situate, shall be entitled to be paid for his expenses according to the scale settled in the High Court of Justice.

Sec. 36, sub-s.
2, repealed.

6. Sub-section 2 of section 136 of the said Act is hereby repealed, and the following substituted therefor :

Defences in
garnishee
proceedings.

Any primary debtor or garnishee who desires to set up any statutory or other defence, or any set off, in any such action, shall fyle with the clerk, the particulars of such defence or set off, within eight days after service on him of the summons, and the clerk on receipt of the necessary postage, shall send by mail, to the party entitled to receive the same, a copy of such defence ; and the primary creditor shall within three days after receiving such notice of defence, fyle with the clerk a notice that he admits the defence, or that he rejects the same, and will proceed to trial ; a copy of such notice shall be sent by the clerk by mail forthwith, to such garnishee, and in the absence of any notice of defence or set off, from any primary debtor or garnishee, the judge may give judgment against such primary debtor or garnishee.

Section 147
amended.

7. Section 147 of the said Act is hereby amended by adding thereto the following :

Referring
action to
arbitration.

"Or the parties to any action, may by writing, signed by themselves or their agents, agree to refer the matters in dispute to the arbitrament of any person or persons named in such agreement, which shall be fyled with the clerk, and be entered on the Procedure Book as notices are entered."

43 V. c. 8, s.
5, amended.

8. Section 5 of *The Division Courts Act of 1880* is hereby amended by adding after the word "list"—in the third line thereof the words "except such actions as are to be tried by a jury, which said actions shall be placed in the jury list" according to priority of number."

43 V. c. 8, s.
62, amended.

9. Section 62 of the said Act is hereby amended by inserting after the word "absconded" in the sixth line thereof the following words :—"Or is out of the jurisdiction of the Court, but having in Ontario an office and an agent to do business for him, or to collect or receive money for him."

43 V. c. 14, s.
11, amended.

10. Section 11 of *The Division Courts Amendment Act of 1885*, is hereby amended by inserting after the word "corporation," where it occurs in the second and sixth lines thereof, the words "firm or individual."

Withdrawal
of defences.

11. Any defendant who has fyled a notice of defence in any action may, by notice in writing to the Clerk, at least six days before the sittings at which the same may be tried, withdraw such defence, and consent that judgment be entered against him for any amount the plaintiff is content to accept judgment for ; and the clerk shall enter judgment in accordance therewith, and shall immediately notify the plaintiff by mail.

R. S. O. c. 47,
s. 199.

12. Section 199 of the said Revised Statute, chapter 47, is hereby repealed and the following substituted therefor :

" All the property seized under the provisions of the previous sections, shall be, and remain in, the custody and possession of the bailiff to whom the warrant of attachment is issued, and he shall take and keep the same until disposed of by law, and
 5 he shall be allowed all necessary disbursements and expenses for keeping the same." Custody of goods seized under attachment.

13. Sections 204 and 205 of the said Revised Statute are hereby amended by striking out the word " clerk " where it occurs in each of said sections, and the word " bailiff " shall
 10 be substituted therefor. Secs. 204, 205, amended.

14. Section 206 of the said Revised Statute is hereby repealed, and the following is substituted therefor : Section 206 repealed.

The moneys so made shall be by the bailiff paid over to the clerk, and the residue, if any, after satisfying such judgments
 15 as aforesaid, with the costs thereupon, shall be delivered to the defendant or his agent, or to any person in whose custody the goods were found ; and the responsibility of the clerk in respect of such property shall cease. Disposition of moneys realized on goods seized.

15. The words " sum in dispute " in the first line of section 17 of *The Division Courts Act of 1880*, shall include the value of goods and chattels (according to the bailiff's appraisal) taken in execution or attachment under section 210 of *The Division Courts Act* or damages sued for in respect thereof, and in all actions under said last mentioned section, any party
 25 thereto shall have the same right of appeal, and the same right to a jury as in other actions in Division Courts. 43 V. c. 8, s. 17, amended.

No. 115.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Division Courts Act.

First Reading, , 1886.

Mr. ERMATINGER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Agriculture and Arts Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 73 of chapter 35 of the Revised Statutes of R. S. O. c. 35, Ontario, is hereby repealed and the following substituted therefor:

(73) The Exhibitions of any Township Agricultural Society (if not united with any other Society) shall be held at such place as shall afford sufficient accommodation for such Exhibitions; but the Township Agricultural Society may unite with the Electoral District Society, and may merge their funds with those of the Electoral District Society for that year, and if so merged, the members of such Township Society, shall be entitled to all the privileges of members of the Electoral District Society at the Exhibition, and the President, Vice-president and Directors of such Society shall be Co-directors with the Directors of the Electoral District Society for the conducting and management of such Exhibitions, save and except as to the place in which such Exhibitions shall be held.

Township societies' exhibitions.

2. Section 113 of the said Act is repealed and the following substituted therefor:

Sec. 113 repealed.

(113) Any of the said municipalities owning lands or buildings for public purposes, shall have power to make agreements on such terms and for such terms as they may deem expedient, with any company now formed, or hereafter to be formed, under the provisions of chapter 155 of the Revised Statutes of Ontario, or of any amendment thereto, or with any Agricultural or Horticultural Association, for the use of such lands and buildings, or either of them, or for the privilege of erecting on said lands (subject to such terms as may be agreed on) such buildings as they may require for Agricultural or other shows, and to give said companies the power of renting said grounds and buildings when owned by said company to any Agricultural or Horticultural Association, formed under this Act or any amendment thereto, to and for the purposes of the annual show or shows of said Association, and to grant to such company or Association the power to charge during said show, or at other times, as may be agreed, to any person wishing to go into or upon any such grounds or buildings, or for any privileges thereon, or for any waggon, carriage or other vehicle, or for any horse, cattle or other animal, which may be taken thereon, such entrance fee or other charge as the said Company or Association may deem necessary or expedient.

Agreements between municipalities and other societies for the use of buildings, etc.

No. 116.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Agriculture and Arts
Act.

First Reading, 26th February, 1886.

MR. BAUDEROW.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 437 of *The Consolidated Municipal Act, 1883*, is hereby repealed, and the following substituted therefor :—

46 V. c. 18, s.
437, amended.

437—(1) The Board of Commissioners of Police shall, in cities, regulate and license the owners of livery stables, and of horses, cabs, carriages, carts, trucks, sleighs, omnibuses and other vehicles used for hire, whether such vehicles are to be used for the conveyance of goods or passengers wholly within the limits of the city, or partly within the limits of the city, and partly beyond, but within three miles from such limits, and shall establish the rates of fare to be taken by the owners or drivers, and may provide for enforcing payment of such rates, and for such purposes shall pass by-laws and enforce the same in the manner, and to the extent in which any by-law to be passed under the authority of this Act may be enforced.

Licensing,
etc., livery
stables, cabs,
etc., in cities.

(2) The said Commissioners shall have power to authorize and assign stands for vehicles kept for hire in the public streets and places, and may authorize the erection and maintenance of covered stands or booths on the streets, highways, and other public places for the protection and shelter of the driver of such vehicles : provided that no such booth or covered stand be placed upon any sidewalk without the previous consent of the owner or lessee of the property fronting, abutting or adjoining such stand or booth.

(3) The Council of any city in which there is no Board of Commissioners of Police shall have, and may exercise by by-law all the powers conferred upon the Board of Commissioners by this section.

2. Sub-section 46 of section 496 of the said Act is hereby repealed.

46 V. c. 18, s.
486, sub-s. 46,
repealed.

3. Section 73 of the said Act is hereby amended by striking out the words "such persons as" in the third line of the said section, and substituting therefor the words "persons who": by inserting after the word "and" in the seventh line of the said section the words "who, or whose wives," and by striking out the words "in their own right, or in the right of their wives," in the seventh and eighth lines of the said section.

46 V. c. 18, s.
73, amended.

46 V. c. 18, s. 491, amended. 4. Section 491 of the said Act is hereby amended by striking out all the said section down to, and including the words "upon its own motion," in the fourth line thereof, and by substituting therefor the words "on the application of fifty resident land holders in the said municipality setting forth," 5 and by substituting the word "shall," for the word "may," in the seventh line of said section.

46 V. c. 18, s. 490, amended. 5. Section 490 of the said Act is hereby amended by adding thereto the following sub-section :

(39) For preventing, or regulating the erection or continu- 10
ance of slaughter-houses, or other manufactures or trades
which may prove to be nuisances.

No. 117.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 26th February, 1886

Mr. AWREY.

TORONTO:

PRINTED BY W. ARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 346 of *The Consolidated Municipal Act, 1883*, is 46 V. c. 18, s. 5 hereby amended by adding the following sub-section thereto: 346, amended.

(3) And provided always that the council of any town heretofore or hereafter withdrawn from the county, and continuing so withdrawn pursuant to the provisions hereof, or of any city heretofore or hereafter erected, may, by by-law or 10 by-laws passed at any meeting of such council, without submitting the same for the assent of the electors of such town or city as the case may be, raise such sum or sums of money as may be required to liquidate their share of the county debt as awarded or agreed upon pursuant to this Act, and to issue 15 debentures for that purpose at such rates, for such times and upon such terms as they may theretofore have done or be entitled to for meeting any other liability of said town or city as the case may be.

No. 118.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 26th February, 1886.

MR. BALANTYNE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 119.]

BILL.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 109, of *The Consolidated Municipal Act, 1883*,^{46 V. c. 18, s. 109, amended.}
5 is hereby amended, by inserting after the word "noon" in the
fifth line, the following words, "or at such hour as may be
appointed by by-law of the municipality, passed not later than
the 1st day of December, in any year."

2. Sub-section 2, of section 272, is hereby amended by^{46 V. c. 18, s. 272, amended.}
striking the sum of "\$4,000," out of the last line and inserting
10 the sum "\$2,000" in lieu thereof.

No. 119.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 26th February, 1886.

MR. MONK.

TORONTO

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 120.]

BILL.

[1886.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The first clause of section 73 of *The Consolidated Municipal Act, 1883*, is hereby repealed and the following substituted therefor : 46 V. c. 18, s. 73, amended.

73. The persons qualified to be elected mayors, aldermen, reeves, deputy-reeves, and councillors, of any municipality, shall be such persons as reside within the municipality, or within two miles thereof, and are natural born or naturalized subjects of Her Majesty, and males of the full age of twenty-one years, and are not disqualified under this Act, and who have, or whose wives have, at the time of the election, as proprietors or tenants, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable, rated in their own names, or in the names of their wives, on the last revised assessment roll of the municipality to at least the value following, over and above all charges, liens and incumbrances affecting the same. Qualification of mayors, aldermen, etc.

No. 120.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 26th February, 1886.

Mr. CHISHOLM.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 121.] **BILL.** [1886.

An Act to Amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

Section 521 of *The Consolidated Municipal Act, 1883*, is hereby amended by adding thereto the following sub-sections: 46 V. c. 18, s. 521, amended.

(12) For opening new streets and taxing certain localities in whole, or in part, for the maintenance of roads already established, and making other needed local improvements, after having obtained the consent of the parties owning at least one-half in value of the property through which, or alongside of which such street shall run, or of the property to be benefited by such local improvement, and imposing a frontage tax on all property immediately benefited by the opening of such new street, or the making of such local improvement, to pay all the expenses incurred in connection with the same.

(13) For compounding or commuting, from year to year, or for a term of years, the statute labour in any, or different portions of their municipality, without first obtaining the consent of the ratepayers whose statute labour it is deemed desirable by the Council to commute or compound.

(14) For imposing a frontage tax for the purpose of building sewers, or other suitable drains in parts of townships where it is deemed advisable to do so, at the expense of the property to be so drained and benefited thereby.

No. 121.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 22nd February, 1886.

Mr. CASCADEN.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act amending the Act respecting the Provisional
County of Haliburton.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :—

1. Section 6 of the *Act Respecting the Provisional County of Haliburton* is amended by striking out the words :
"except Division Courts" in the fourth line thereof, and by
adding to the section, the words "and the Judge of the
County Court of the County of Victoria shall hold the Division
Courts therein." R. S. O. c. 6,
amended.
- 10 2. Sections 7, 8, 9, 11 and 17, of the said Act, are repealed. R. S. O. c. 6,
ss. 7-9, 11 and
17, repealed.
3. Section 12 is amended by striking out the words
"the stipendiary" at the end of the third line thereof, and the
words "magistrate or of" at the beginning of the fourth line
thereof. R. S. O. c. 6,
s. 12, amended.
- 15 4. Section 16 is amended by striking out the words :
"stipendiary magistrate" and the word : "other" in the second
line thereof. R. S. O. c. 6,
s. 16, amended.
5. The first four lines of section 19, and the first word
"and" in the fifth line, are repealed. R. S. O. c. 6,
s. 19, amended.
- 20 6. Section 22 is amended by striking out the word
"stipendiary" at the end of the third line thereof, and the
word "magistrate" at the beginning of the fourth line thereof,
and substituting therefor the word "Judge." R. S. O. c. 6,
s. 22, amended.
7. Section 23 is repealed, and the following is substituted
25 therefor : R. S. O. c. 6,
s. 23, repealed.
23. An appeal shall lie from the decision of the Court of
Revision, of any municipality within the provisional County
of Haliburton, to the Judge of the County Court of the
County of Victoria. Appeal from
Court of
Revision.
- 30 8. Section 27 is repealed, and the following substituted
therefor : R. S. O. c. 6,
s. 27, repealed.
27. In the case of any instrument mentioned in *The Act
respecting Mortgages and Sales of Personal Property*, made or
executed, after the passing of this Act, within the said provi-
sional county, or affecting personal property therein, the same
shall be registered in the office of the clerk of the first Division
Court of the said County of Haliburton. Registry of
chattel mort-
gages and
bills of sale.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act amending the Act respecting the
Provisional County of Haliburton.

First Reading, 1st March, 1886.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.



An Act amending the Act respecting the Provisional
County of Haliburton.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :—

1. Section 6 of the *Act Respecting the Provisional County of Haliburton* is amended by striking out the words: R. S. O. c. 6, amended.
"except Division Courts" in the fourth line thereof, and by adding to the section, the words "and the Judge of the County Court of the County of Victoria shall hold the Division Courts therein."
2. Sections 7, 8, 9 and 11, of the said Act, are repealed. R. S. O. c. 6, ss. 7-9, and 11 repealed.
3. Section 12 of the said Act is amended by striking out the words "the stipendiary" at the end of the third line thereof, and the words "magistrate or of" at the beginning of the fourth line thereof. R. S. O. c. 6, s. 12, amended.
4. Section 16 of the said Act is amended by striking out the words "stipendiary magistrate," and the word "other" in the second line thereof. R. S. O. c. 6, s. 16, amended.
5. Section 17 of the said Act is amended by striking out the words "stipendiary magistrate" and inserting in lieu thereof the words "judge of the County Court of the County of Victoria." R. S. O. c. 6, s. 17, amended.
6. The first four lines of section 19 of the said Act, and the first word "and" in the fifth line, are repealed. R. S. O. c. 6, s. 19, amended.
7. Section 22 of the said Act is amended by striking out the word "stipendiary" at the end of the third line thereof, and the word "magistrate" at the beginning of the fourth line thereof, and substituting therefor the word "Judge." R. S. O. c. 6, s. 22, amended.
8. Section 23 of the said Act is repealed, and the following is substituted therefor: R. S. O. c. 6, s. 23, repealed.
23. An appeal shall lie from the decision of the Court of Revision, of any municipality within the provisional County of Haliburton, to the Judge of the County Court of the County of Victoria. Appeal from Court of Revision.

R. S. O. c. 6,
s. 27, repealed. **9.** Section 27 of the said Act is repealed, and the following substituted therefor :

Registry of
chattel mort-
gages and
bills of sale.

27. In the case of any instrument mentioned in *The Act respecting Mortgages and Sales of Personal Property*, made or executed, after the passing of this Act, within the said provincial county, or affecting personal property therein, the same shall be registered in the office of the clerk of the first Division Court of the said County of Haliburton,  and registration if made within seven days after the execution of the instrument shall be sufficient.  5 10

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act amending the Act respecting the
Provisional County of Haliburton.

(Reprinted as amended by Committee of
the Whole House.)

First Reading,	1st	March,	1886.
Second	"	9th	"
			1886.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Incorporate the Ontario Creameries Association.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Any number of persons, not less than (fifty), may organize
5 and form themselves into an Association to be known as the
"Ontario Creameries Association," by signing a declaration in
the form of Schedule "A" to this Act annexed, and paying
each not less than \$1 to the funds of the Association for that
year, and all persons thereafter paying each the sum of \$1 or
10 such other sum, not being more than \$2, as the Association
may fix by by-law annually to the funds of the Association,
shall be members thereof.

Incorporation.

Declaration.

2. Such declaration shall be in duplicate, and one part
thereof shall be written and signed on the first page or pages
15 of a book to be kept by the Association for recording the
minutes of its proceedings during the first year of its existence,
and the other part thereof shall be written and signed on a
sheet of paper or parchment, and shall forthwith be sent by
post to the Commissioner of Agriculture, who shall as soon as
20 may be after the receipt thereof, cause a notice of the formation
of such Association to be inserted in the *Ontario Gazette*.

Form of declaration.

3. Upon the insertion in the "*Ontario Gazette*" of the
notice of the formation of such Association, it shall become a
corporation for the object and purpose of the encouragement
25 of the manufacture of butter in Ontario, and for all purposes
connected therewith or relating thereto, and the said Association
may acquire and hold, lease, mortgage and alienate property
real and personal, but only for the purposes of the
Association.

Powers of corporation.

4. The first board of directors of the said Association, shall
30 consist of John Hannah, M. Moyer, Erastus Miller, George
Browning, J. N. Zinkamm, J. T. Brill, H. D. Lye, and Aaron
Wenger, who as soon as practicable after the publication of the
said notice in the *Ontario Gazette*, shall hold their first meeting
35 at such time and place as shall be appointed by the Commissioner
of Agriculture, and at such meeting the said directors
shall elect from among themselves a president of the Association,
two vice-presidents, and two auditors, and shall also elect
from among themselves or otherwise, a secretary and a treasurer
40 (or a secretary-treasurer), who shall constitute the officers of
the Association until their successors are elected, at the first

First Board of Directors.

Officers, &c.

annual meeting of the Association to be held in the City of Toronto, between the first days of January and May, in the year of our Lord 1886.

By-laws.

5. The Association may make by-laws for the admission of members and for its guidance and proper management, and for the promotion of the objects of the Association. 5

Annual meeting.

6. The Association shall hold an annual meeting in each and every year, and the retiring officers shall at such meeting present a full report of their proceedings and of the proceedings of the Association, and a detailed account of its receipts and expenditure for the previous year, duly audited by the auditors, and the Association shall at such meeting elect a president, two vice-presidents, and nine directors, and the officers so elected shall elect from among themselves, or otherwise, a secretary and a treasurer (or a secretary-treasurer), and the Association shall elect two auditors, and the Association shall at such meeting appoint the time and place for holding the next annual meeting. 10 15

Power of Directors.

7. The officers (a majority of whom shall form a quorum), shall have full power to act for and on behalf of the Association, and all grants of money and other funds of the Association shall be received and expended under their direction, subject nevertheless to the by-laws and regulations of the Association. 20

Annual report.

8. A copy of the annual report of the proceedings of the Association and a list of the officers elected, and also a report of such information as the Association may have been able to obtain on the subject of the manufacture of butter and on all subjects connected therewith or relating thereto, whether in this Province or elsewhere, shall be sent by the secretary of the Association to the Commissioner of Agriculture within forty days of the holding of such meeting. 25 30

R. S. O. c. 35, ss. 17 and 18, amended.

9. Sections 17 and 18 of *The Agriculture and Arts Act* are hereby amended by inserting after the words "the Poultry Association of Ontario," the words "The Ontario Creameries Association." 35

This Act to be read as part of Agricultural and Arts Act.

10. This Act shall be read as part of *The Agriculture and Arts Act*, and the said Association shall be deemed to be an Association coming under the said Act.

SCHEDULE "A."

We, whose names are subscribed hereto, agree to form ourselves into an Association under the provisions of the Act intituled *An Act to Incorporate The Ontario Creameries Association*, to be called "The Ontario Creameries Association," and we hereby severally agree to pay to the treasurer of said Association the sums set opp site our respective names; and we further agree to conform to the by-laws and rules of the said Association.

NAMES.	\$	Cts.

No. 123.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to Incorporate the Ontario Creameries Association.

First Reading, 2nd March, 1886.

Mr. O'CONNOR.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Whenever the assessable value of any real property has
5 been fixed by the decision of the County Court Judge on an appeal
to him as provided by sections 60 and 65 of *The Assessment*
Act the said decision of the County Court Judge, shall during
the next five years be taken to be *prima facie* evidence of the
assessable value of the said property and in assessing the same
10 property during the next five years, only evidence of circum-
stances that may have taken place to increase or decrease the
value of the said property, since the rendering of the said
decision shall be considered.

Effect of
decision of
County Court
Judge as to
assessable
value of land.

No. 124.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Assessment Act.

First Reading,	1886.
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TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Sub-section 8 of section 2 of *The Assessment Act*, is hereby repealed and the following substituted therefor:—

Interpretation
of "Personal
Estate."

Personal estate and personal property, shall include all goods, chattels, shares in incorporated companies, interest on mortgages, rental from real estate, capital invested in mines, or timber limits, dividends from bank stock or other investments, money, notes, accounts and debts at their actual value, income and all other property, except land and real estate and real property, as defined by the preceding sub-section of this Act, and except property hereinafter expressly exempted.

2. Sub-sections 23 and 24 of section 6 of the said Act are hereby repealed.

R. S. O. c. 180
s. 6, sub-sec-
tions 23 and 24
amended.

3. Section 30 of said Act is hereby amended by adding a sub-section as follows:—

Section 30,
amended.

Capital invested in mines or timber limits, shall be assessed in the municipality in which the said mines or timber limits exist.

Assessments
of mines and
timber limits.

4. Section 31 is hereby amended by inserting, after the word, "situate," in the fourth line, "except capital invested in mines or timber limits."

Section 31,
amended.

No. 125.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Assessment Act.

First Reading, 2nd March, 1886.

Mr. FELL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act respecting the Taxation
of Patented Lands in Algoma.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. The tax to be collected under the *Revised Statute respecting the Taxation of Patented Lands in Algoma*, shall here-
after be one cent per acre instead of two cents, and section 1, of
the said Revised Statute, is amended by striking out the words
“two cents” in the first line of the said section, and substitut-
ing the words “one cent” therefor. R. S. O. c. 22,
s. 1, amended.
- 10 2. The said Revised Statute shall apply to all the territory
which, prior to the formation of the Provisional Judicial Dis-
trict of Thunder Bay, was included in the District of Algoma,
and the said statute shall be held to extend, and to have ex-
tended to all such lands, notwithstanding the formation of
15 the Provisional Judicial District of Thunder Bay. R. S. O. c. 22,
to apply to
Thunder Bay
as well as to
Algoma.
- 3.—(1) All lands within the Provisional Judicial Districts
of Algoma and Thunder Bay, which are occupied as farming
lands and *bona fide* used for farm purposes, shall be exempt
from the said tax. Exemption of
farming lands.
- 20 (2) No lands shall be entitled to the exemption provided for
in this section, until the owner or other person claiming ex-
emption, shall have furnished to the treasurer proof by
affidavit or otherwise, that the lands in respect of which the ex-
emption is claimed, were occupied for farming purposes as
25 aforesaid, and shall have obtained the decision in writing of
the Provincial Treasurer or Assistant Treasurer to the effect,
that such lands are entitled to exemption under this section ;
- (3) The proof so furnished, shall be filed by the Treasurer in
his office with a memorandum of his decision ;
- 30 (4) No greater quantity of land than three hundred and
twenty acres in the occupation of any one resident, shall be
exempt, unless a larger quantity is in actual cultivation, in
which case so much as is in actual cultivation shall be exempt.
4. The Treasurer may cancel the taxes charged on any land,
35 on proof being made to his satisfaction in manner aforesaid,
that the said land was, during the time for which the tax was
imposed, in the actual occupation of the person claiming the
benefit of this provision for farming purposes. Treasurer em-
powered to
cancel taxes in
certain cases.

Reduction on
arrears.

5. The Treasurer may publish in the *Ontario Gazette* a list of all amounts due on lands under the said Revised Statute for arrears of taxes up to the 31st day of December, 1885, and therewith may publish a notice stating that a discount of fifty per cent. will be allowed on such of the said sums in arrear, as shall be paid on or before the first day of December, 1886. 5

School tax on
unoccupied
land.

6. The said taxes of one cent an acre hereinafter imposed by this Act, upon all patented lands in school sections formed under section 41 of *The Public School Act*, shall, when collected, be paid over by the Provincial Treasurer yearly to the trustees 10 of the respective School Sections entitled thereto.

Notice to be
given to
Treasurer by
Secretary of
school board.

7. On the formation of a School Section in any unorganized Township, the Secretary of the School Board shall give written notice thereof to the Provincial Treasurer, and shall also furnish him with a list of all the lands embraced in the said 15 School Section, distinguishing such as are occupied as farming lands from those that are unoccupied.

Sales to be by
Treasurer of
Province.

8. The sales of lands for taxes under the said Revised Statute, shall hereafter be made by the Treasurer of the Province, instead of the Sheriff as therein provided, and the said 20 Treasurer is hereby substituted for the Sheriff of Algoma, or the sheriff of York, wherever either of the said officers is mentioned or referred to in the said statute.

R. S. O. c. 22,
s. 8, repealed.

9. Section 8 of the said Revised Statute is repealed and the following substituted therefor : 25

Land to be
sold when
taxes in arrear
for three
years.

Whenever any portion of the taxes so ascertained, made up and entered as aforesaid, has been due for three years, the Treasurer of the Province may sell the land for the arrears of taxes then due thereon, with costs.

R. S. O. c. 22,
s. 10, repealed.

10. Section 10 of the said Revised Statute is repealed, and 30 the following substituted therefor :

Treasurer to
publish list
showing
arrears.

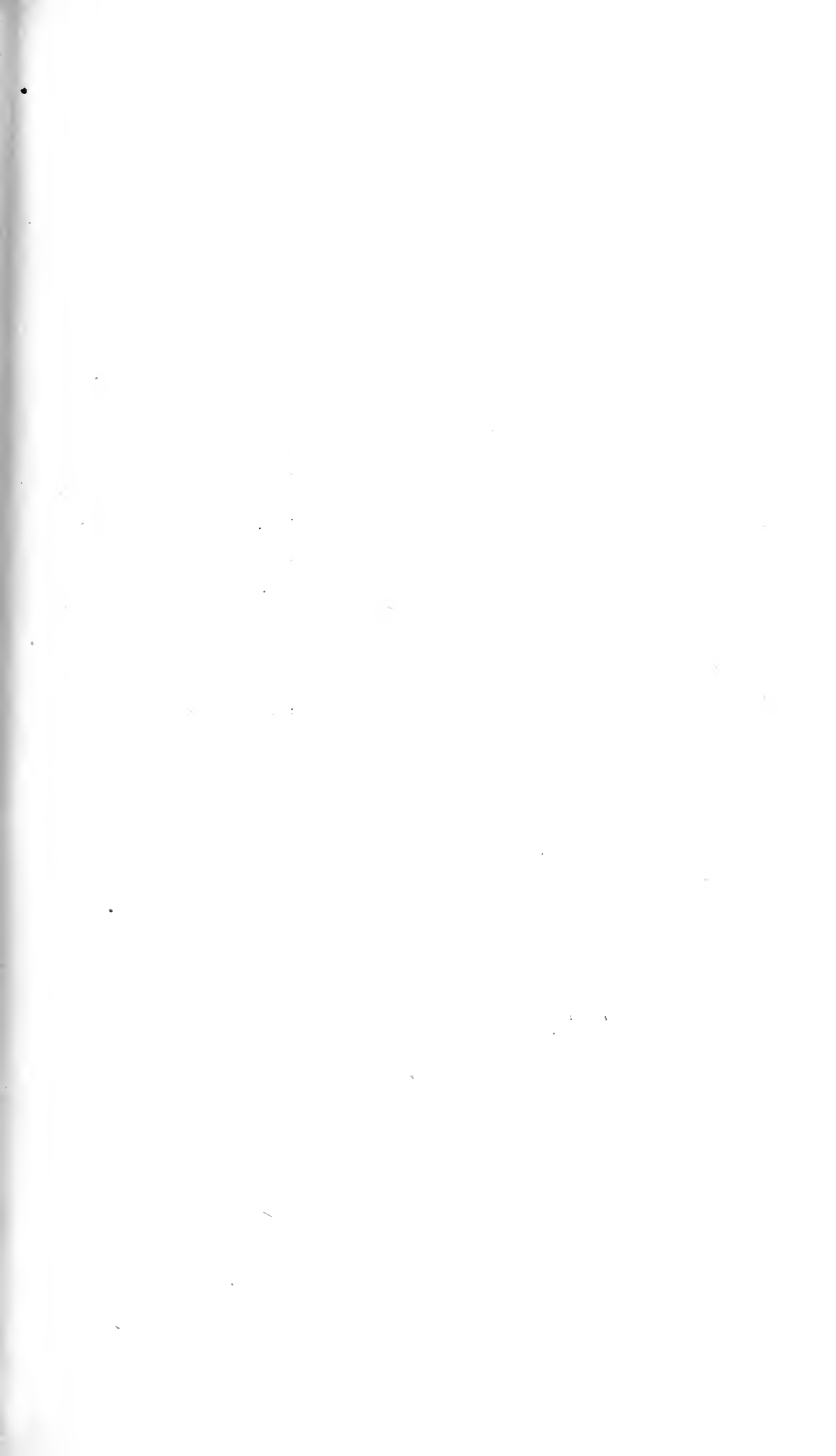
Whenever a portion of the tax on any land has been due for three years, the Treasurer shall prepare a list of the lands on which taxes are so in arrear, shewing the amount of arrears due on each lot or parcel, and shall cause such list to be published twelve consecutive times in the *Ontario Gazette*, and for a like period in some newspaper published in the district in which the land lies, if any such there be; the Lieutenant-Governor in Council shall have power from time to time to extend beyond the term of three years, the time for the 40 enforced collection by sale of the said taxes.

R. S. O. c. 22,
ss. 9, 21-24 and
28, repealed.

11. Sections nine, twenty-one, twenty-two, twenty-four and twenty-eight of the said Revised Statute are hereby repealed.

Sections of
Assessment
Act to apply.

12. Sections one hundred and thirty-seven, one hundred and forty-five, one hundred and fifty, one hundred and fifty-one, one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-seven, one hundred and fifty-eight, one hundred and fifty-nine, one hundred and sixty, one hundred and sixty-one, one hundred and sixty-two, one hundred and sixty-three, one hundred and sixty-four, and one hundred and sixty-five, of *The Assessment Act*, shall apply to sales by the Provincial Treasurer under this Act and to the lands sold. 50



No. 126.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting the
Taxation of Patented Lands in Algoma.

First Reading, 2nd March, 1886.

Mr. ROSS,
(*Huron*).

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act respecting the Taxation
of Patented Lands in Algoma.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. The tax to be collected under the *Revised Statute respecting the Taxation of Patented Lands in Algoma*, shall hereafter be one cent per acre instead of two cents, and section 1, of the said Revised Statute, is amended by striking out the words "two cents" in the first line of the said section, and substituting the words "one cent" therefor. R. S. O. c. 22,
s. 1. amended.
- 10 2. The said Revised Statute shall apply to all the territory which, prior to the formation of the Provisional Judicial District of Thunder Bay, was included in the District of Algoma, and the said statute shall be held to extend, and to have extended to all such lands, notwithstanding the formation of
15 the Provisional Judicial District of Thunder Bay. R. S. O. c. 22,
to apply to
Thunder Bay
as well as to
Algoma.
- 3.—(1) All lands within the Provisional Judicial Districts of Algoma and Thunder Bay, which are occupied as farming lands and *bona fide* used for farm purposes, shall be exempt from the said tax. Exemption of
farming lands.
- 20 (2) No lands shall be entitled to the exemption provided for in this section, until the owner or other person claiming exemption, shall have furnished to the treasurer proof by affidavit or otherwise, that the lands in respect of which the exemption is claimed, were occupied for farming purposes as
25 aforesaid, and shall have obtained the decision in writing of the Provincial Treasurer or Assistant Treasurer to the effect, that such lands are entitled to exemption under this section;
- (3) The proof so furnished, shall be filed by the Treasurer in his office with a memorandum of his decision;
- 30 (4) No greater quantity of land than three hundred and twenty acres in the occupation of any one resident, shall be exempt, unless a larger quantity is in actual cultivation, in which case so much as is in actual cultivation shall be exempt.
4. The Treasurer may cancel the taxes charged on any land, on proof being made to his satisfaction in manner aforesaid, that the said land was, during the time for which the tax was imposed, occupied as farming lands, and *bona fide* used by the person claiming the benefit of this provision. Treasurer empowered to
cancel taxes in
certain cases.

Reduction on
arrears.

5. The Treasurer may publish in the *Ontario Gazette* a list of all amounts due on lands under the said Revised Statute for arrears of taxes up to the 31st day of December, 1885, and therewith may publish a notice stating that a discount of fifty per cent. will be allowed on such of the said sums in arrear, as shall be paid on or before the first day of December, 1886; and the Treasurer is hereby empowered to allow the said discount on payment within the time named.

Payment by
instalments
where present
arrears exceed
\$1,000.

6. Where the arrears of taxes now due on any lands *bona fide* owned by any person at the date of the passing of this Act exceed the sum of \$1,000, fifty per cent. of the same may be accepted by the Treasurer in two equal instalments, the first payable on or before the 1st day of December, 1886, and the second on or before the 1st day of December, 1887; and the fifty per cent. so paid in instalments as aforesaid, shall be accepted as full satisfaction of the said arrears. If both the said instalments are not paid as aforesaid the reduction of fifty per cent. of the taxes due shall not apply, and the collection of the arrears due shall be enforced as other arrears.

School tax on
unoccupied
land.

7. The said taxes of one cent an acre hereinafter imposed by this Act, upon all patented lands in school sections formed under section 41 of *The Public School Act*, shall, when collected, be paid over by the Provincial Treasurer yearly to the trustees of the respective School Sections entitled thereto.

Notice to be
given to
Treasurer by
Secretary of
school board.

8. On the formation of a School Section in any unorganized Township, the Secretary of the School Board shall give written notice thereof to the Provincial Treasurer, and shall also furnish him with a list of all the lands embraced in the said School Section, distinguishing such as are occupied as farming lands from those that are unoccupied.

Sales to be by
Treasurer of
Province.

9. The sales of lands for taxes under the said Revised Statute, shall hereafter be made by the Treasurer of the Province, instead of the Sheriff as therein provided, and the said Treasurer is hereby substituted for the Sheriff of Algoma, or the sheriff of York, wherever either of the said officers is mentioned or referred to in the said statute.

R. S. O. c. 22,
s. 8, repealed.

10. Section 8 of the said Revised Statute is repealed and the following substituted therefor:

Land to be
sold when
taxes in arrear
for three
years.

Whenever any portion of the taxes so ascertained, made up and entered as aforesaid, has been due for three years, the Treasurer of the Province may sell the land for the arrears of taxes then due thereon, with costs.

R. S. O. c. 22,
s. 10, repealed.

11. Section 10 of the said Revised Statute is repealed, and the following substituted therefor:

Treasurer to
publish list
showing
arrears.

Whenever a portion of the tax on any land has been due for three years, the Treasurer shall prepare a list of the lands on which taxes are so in arrear, shewing the amount of arrears due on each lot or parcel, and shall cause such list to be published twelve consecutive times in the *Ontario Gazette*, and for a like period in some newspaper published in the district in which the land lies, if any such there be; the Lieutenant-

Governor in Council shall have power from time to time to extend beyond the term of three years, the time for the enforced collection by sale of the said taxes.

12. Sections nine, twenty-one, twenty-two, twenty-four and 5 twenty-eight of the said Revised Statute are hereby repealed. R. S. O. c. 22, ss. 9, 21-24 and 28, repealed.

13. Sections one hundred and thirty-seven, one hundred and forty-five, one hundred and fifty, one hundred and fifty-one, one hundred and fifty-five, one hundred and fifty-six, one hundred and fifty-seven, one hundred and fifty-eight, one hundred and fifty-nine, one hundred and sixty, one hundred and sixty-one, one hundred and sixty-two, one hundred and sixty-three, one hundred and sixty-four, and one hundred and sixty-five, of *The Assessment Act*, shall apply to sales by the Provincial Treasurer under this Act and to the lands sold. Sections 137, 145, 150, 151, 155-165, of Assessment Act to apply.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting the
Taxation of Patented Lands in Algoma.

*(Reprinted as amended by Committee of
Whole House.)*

First Reading,	2nd March, 1886.
Second "	9th " 1886.

Mr. ROSS,
(Huron).

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Consolidate and Amend the Agriculture
and Arts Act.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *Agriculture and Arts Act*. Short title.
5 R. S. O. 1877, c. 35, s. 1.

2. In the construction of this Act,

(1) ["Department" shall mean the "Department of the
"Commissioner of Agriculture and Arts;"] Interpretation.
"Department."

(2) "Commissioner" or "Commissioner of Agriculture" shall
10 mean the "Commissioner of Agriculture and Arts;" "Commissioner."

(3) "Bureau" shall mean the ["Bureau of Industries:"] "Bureau."

(4) "Council" or "Council of the Association" shall mean "Council."
"Council of the Agriculture and Arts Association;" and

(5) "District" and "Electoral District" shall mean a Dis- "Electoral
15 trict as constituted for the purpose of representation in the District."
Legislative Assembly, [except as provided for in *The Franchise
and Representation Act, 1885*.] R. S. O. 1877, c. 35, s. 2.

3. The Agriculture and Arts Association, the Council of the
Agriculture and Arts Association, the Fruit Growers' Associa- Bureau and
20 tion of Ontario, the Entomological Society of Ontario, the Societies
Dairymen's Associations of Ontario, the Poultry Association continued.
of Ontario, and all Agricultural and Horticultural Societies
heretofore recognized and existing in Ontario, shall continue,
except so far as they may be altered or affected by this Act.
25 R. S. O. 1877, c. 35, s. 4.

4. The Commissioner of Agriculture may decide all matters
of doubt or dispute as to the working or construction of this Commissioner
Act, and his decision shall be final, [except that an appeal there- to decide
from may be made to the Lieutenant-Governor in Council. disputes.
30 R. S. O. 1877, c. 35, s. 3.]

5. The Commissioner may appoint any person or persons to
inspect the books and accounts of any Society or body in the
Province receiving Government aid, and being in any way in
connection with the [Department,] and may empower such per- Commissioner
35 son to summon witnesses and enforce the production of docu- may appoint
ments before him, and to take evidence upon oath in regard to persons to in-
such inspection; and all officers of any such Society or body, spect accounts
of Societies,
etc.

whenever required so to do, shall submit the books and accounts thereof to such inspection and truly to the best of their knowledge answer all questions put to them in relation thereto, or to the funds of such Society or body. R. S. O. 1877, c. 35. s. 7.

5

BUREAU OF INDUSTRIES.

Bureau to be under direction of Commissioner of Agriculture.

6. There shall be attached to the Department of the Commissioner of Agriculture a Bureau, to be styled "The Bureau of Industries," for collecting, tabulating and publishing industrial information for public purposes, and the Commissioner shall be charged with the direction thereof. 45 V. c. 5, s. 2. 10

Useful facts relating to agriculture, etc., to be collected and published.

7. It shall be the duty of the Commissioner to institute inquiries and collect useful facts relating to the agricultural [and other industrial] interests of the Province, and to adopt measures for disseminating or publishing the same in such manner and form as he finds best adapted to promote improvement within the Province; and (amongst other things) to procure and publish early information relating to the supply of grain, breadstuffs and live stock in the other Provinces of the Dominion, in Great Britain, and in the United States and other foreign countries in which the Province finds a market for its surplus products, and as to the demand therefor; and [the Commissioner] shall submit to the Legislature, within thirty days of the opening of each session, a detailed and succinct report of [the work of the Bureau for the preceding year.] 45 V. c. 5, s. 3. 15 20 25

Appointment of Secretary and other officers.

8. The Lieutenant-Governor may appoint a Secretary of the Bureau, and may also appoint such other officers as may be necessary for the proper conduct of the Bureau. 45 V. c. 5. s. 4. 30

Duties of Secretary.

9. It shall be the duty of the Secretary, under the instructions of the Commissioner, to conduct all correspondence of the Bureau; to send to the proper officers and persons of whom such service is required, the schedules, with instructions approved by the Commissioner, for the collection of facts and information relating to Agriculture and other industries of the Province; to receive and tabulate the information collected and obtained; to publish the same monthly or oftener during the growing season; to prepare at the close of each year a general report to the Commissioner; to compile annually from the departmental records of the Province, and from other available records, a tabular abstract of facts relating to land, trade, government, population, and other subjects; and generally to perform all work within the sphere of the Bureau as he may from time to time be directed by the Commissioner. 45 V. c. 5, s. 5. 35 40 45

Officers of certain societies and others to answer all official communications.

10. The officers of all societies, institutes and associations organized under *The Agriculture and Arts Act*, and of all municipal councils, school boards, and public institutions, and all public officers of this Province, shall promptly answer all official communications from the said Bureau, shall from time to time collect and tabulate facts according to instructions to be furnished them, shall make diligent efforts to supply correct information on all questions submitted to them, and generally 50

shall act, as far as practicable, upon the recommendations of the Commissioner; and any officer of any such society, institute, association, council, school board or public institution, making a false return of information, or refusing or wilfully neglecting to answer any question, or to fill up, tabulate and return official schedules according to instructions and within the prescribed times, or to furnish information relating to the industries of the Province, when required so to do either by the Commissioner or by the Secretary of the Bureau shall for every such offence incur a penalty of \$40, which shall be recoverable by any person suing for the same before any Court of competent jurisdiction, and shall be paid to Her Majesty for the use of this Province. 45 V. c. 5, s. 6.

11. The Commissioner of Agriculture, with the approval of the Lieutenant-Governor in Council, may make such arrangements as he deems expedient with the Government of the Dominion for the collection and transmission of information on the agricultural, manufacturing and other interests of the Province, or for obtaining for the use of the Province such information as may have been collected by the Department of the Minister of Agriculture. 45 V. c. 5, s. 7.

12. All collectors and officers employed in collecting data for the Bureau of Industries shall be entitled to receive one copy each of the publications and reports of the said Bureau. 45 V. c. 5, s. 8.

Arrangements
with Govern-
ment of Do-
minion.

Officers, etc.,
entitled to
copy of re-
ports.

THE AGRICULTURE AND ARTS ASSOCIATION.

13.—(1) The members of the Council of the Agriculture and Arts Association, both elected and *ex officio*, [the ex-President of the Association, the President and first Vice-President of Electoral District Societies, of the Fruit Growers' Association, of the Entomological Society, of the Diarymen's Associations, of the Poultry Association, and of the Bee-keepers' Association, or any two members appointed to act instead of the President and Vice-President of any one of the foregoing societies, life members,] and all subscribers of \$1 annually (which shall entitle such subscribers to membership only for the year for which their subscription is paid), shall constitute the Agriculture and Arts Association; [and the officers of the Council shall be the officers of the Association.] R. S. O. 1877, c. 35, ss. 12 (1), 16, 25 (4); 45 V. c. 4, s. 1,

Who shall be
members of
the Associa-
tion.

(2) The payment of \$10 shall constitute a life membership of the Association, when given for that special object, and not as a contribution to any local fund; and those persons who have heretofore been made life members under by-laws of the Association shall continue to be life members of the same. R. S. O. 1877, c. 35, s. 12, (2).

Life members.

(3) [The annual meeting of the Association shall be held at a time and place to be appointed by the Council, at which all matters of interest to the Association may be considered, and reports or recommendations may be made to the Council thereon.]

Contracts to be made with Council.

14. All contracts and all legal proceedings by, with, or concerning the Association, shall be made and had with the said Council in its corporate capacity; and no other contract or legal proceeding shall bind or affect the Association. R. S. O. 1877, c. 35, s. 13.

5

Funds of Association to be deposited in a chartered bank.

15. All funds of the Association, except moneys paid out during the time of holding or within one week after the close of the annual Provincial Fair or Exhibition, shall be deposited to the credit of the Association, in a chartered bank of the Dominion of Canada, to be selected by the Council of the Association; and all payments made thereout shall be by cheques drawn on such bank by the Treasurer of the Association and countersigned by the Secretary thereof. R. S. O. 1877, c. 35, s. 14.

Expenditure of money.

16. No resolution, by-law, or other proceeding of the Council involving an expenditure of money to an amount exceeding \$40 shall be passed or taken except with the assent of a majority of the members thereof, or upon the recommendation of an Executive Committee of not less than three members, who shall be appointed in accordance with a by-law of the Association. R. S. O. 1877, c. 35, s. 30.

Liabilities of Association to be paid by 31st Dec.

17. All liabilities of the Association shall, except in cases of reasonable dispute regarding the same, be paid on or before the 31st day of December of the year in which the same were incurred; and when a payment is made through the post it shall be by cheque, payable at par [by the bankers of the Association, at any of their offices in Canada.] R. S. O. 1877, c. 35, s. 15.

Appointment and report of auditors.

18. On or before the 15th day of December in each year, two auditors shall be appointed, one by the Commissioner of Agriculture and the other by the Council of the Association, whose duty it shall be to examine the accounts of all moneys received and expended by the Treasurer of the Association, and to examine into the assets and liabilities of the Association, and on or before the [15th day of January] ensuing, to report as to said accounts, receipts, expenditures, assets and liabilities to the Secretary of the Association; [and the Council shall pay the auditors a reasonable remuneration for their services.] R. S. O. c. 35, s. 25 (2); 45 V. c. 4, s. 2.

THE COUNCIL OF THE ASSOCIATION.

40

Council of the Association.

19. The Council of the Agriculture and Arts Association shall be composed of thirteen members, elected as hereinafter provided. R. S. O. 1877, c. 35 s. 18; 45 V. c. 4, s. 4.

Agricultural Divisions.

20. Ontario shall be divided into thirteen Agricultural Divisions, designated by numbers, and comprising the Electoral Districts enumerated [in Schedule A, annexed to this Act; and each Division shall be represented by one member in the Council of the Association.] R. S. O. 1877, c. 35, s. 19.

Four members of Board to retire annually.

21. (1) Four (or five, as the case may be) members of the Council shall retire annually, in the order in which such members have been elected for the respective divisions, each seat being

vacated every third year; and the Secretary of the Association shall send a list of the names of the retiring members to the Secretary of each Electoral District Society on or before the 1st day of September in each year.

- 5 (2) [The retiring members (who are eligible for re-election) may continue to exercise all their functions until their successors have been duly elected.] R. S. O. 1877, c. 35, s. 21.

22. [The nomination of a candidate or candidates to represent an Agricultural Division in the Council shall be made in writing by ten or more members of some Electoral District Society in such Division, and forwarded to the Commissioner of Agriculture on or before the 31st day of December preceding the election; and the Commissioner shall, on or before the 10th day of January next ensuing, mail to the Secretaries of the several District Societies in such Division the names of all persons so nominated.] 45 V. c. 4, s. 5 (4). Nomination of candidates.

23. (1) The members of the District Societies in each Division shall, at their several annual meetings provided by section 38 of this Act, [elect from the persons nominated therefor one to] represent their Division in the Council, each District Society having one vote, and the person receiving the largest number of votes of such District Societies shall be the member of the Council to represent such Division. District societies to elect a representative.

- (2) In case the vote for such member results in a tie, then the District Society amongst those Societies [voting for one or other of the persons in respect of whom the tie occurs which has the largest number of members, as appears by the report for the last calendar year,] shall have the casting vote. Casting vote.

- 30 (3) Vacancies in the Council through death, resignation, or otherwise, shall be filled by the Commissioner. 45 V. c. 4, s. 5. Vacancies.

- 24.—(1) The first meeting of the Council, after the election of members in each and every year, shall be called by the Secretary some time during the month of February or of March; and at such meeting the members present shall elect from among themselves a President and Vice-President. President, etc., to be elected.

- (2) [The Council shall also appoint a Secretary and a Treasurer (neither of whom shall be members thereof) and may pay them reasonable salaries for their services.] Secretary and Treasurer.

- 40 (3) The regular meetings of the Council shall be held pursuant to adjournment, or be called by the Secretary at the instance of the President, or in his absence of the Vice-President, or upon the written request of any three members; and at least seven days' notice of such meetings shall be given to each member. Regular meetings of the Council.

- (4) In the absence of the President or Vice-President from any meeting, the Council may appoint a chairman *pro tempore*, and seven members shall be a quorum. R. S. O. 1877, c. 35, s. 25 (1-7); 45 V. c. 4, s. 7. Chairman *pro tem.* and quorum.

- 50 25. The Council shall not pay or allow any sum to any member thereof for acting as such member, except the amount of his actual necessary expenses in attending the regular Members to act gratuitously.

meetings of the Council and of the committees thereof. R. S. O. 1877, c. 35, s. 22.

POWERS AND DUTIES OF THE COUNCIL.

Council to be a body corporate.

26. The Council shall continue to be a body corporate, and may acquire and hold land and personal property for the purposes of the Association, and may sell, mortgage, lease, or otherwise dispose of the same; and all property, real or personal, heretofore vested in or held by the Agriculture and Arts Association, shall continue to be vested in the said Association, and to be under the control of the Council thereof. R. S. O. 1877, c. 35, s. 23. 5

Powers of the Council.

27. The Council shall have full power to act for and on behalf of the Association; and all grants of money, subscriptions or other funds, made or appropriated to or for the use of the Association (except money collected by or granted to any local committee for any special objects), shall be received by and expended under the direction of such Council. R. S. O. 1877, c. 35, s. 24; 45 V. c. 4, s. 6. 15

Duties of the Council.

28. It shall be the duty of the Council to take measures for the promotion of the Agriculture and the useful Arts interests in the Province in any or all of the following ways, namely 20

(1) By holding provincial agricultural meetings and shows of stock, implements, farm and horticultural products, machinery manufactures and other works of art, either by themselves or in conjunction with the Dairymen's, Fruit Growers' and other Associations; 25

(2) By holding meetings and shows for particular sections of the Province, either by themselves or in conjunction with other associations;

(3) By aiding exhibition associations in accomplishing the same objects, by the granting of medals, prizes or other awards of merit; 30

(4) By offering prizes for the best-managed farms, farm buildings, dairies, market gardens, orchards, or vineries;

(5) By holding or aiding ploughing matches, and by the testing of agricultural implements and machinery; 35

(6) By encouraging the planting of trees and the study of forestry;

(7) By introducing and testing new varieties of grain, seeds, vegetables, or other agricultural productions; 40

(8) By introducing or aiding in the introduction of new and improved breeds of animals, either from other countries or provinces, or from one part of the Province into another;

(9) By offering premiums for reports on the breeding, rearing and feeding of animals, the management of the dairy, the production of wool, the improvement of agriculture and agricultural machinery and implements, the growth of timber, the adaptability of particular localities for particular branches of agriculture, the erection of farm buildings, fencing draining, and other subjects relating to Agriculture or the useful Arts; 50

(10) By causing, or aiding in causing, lectures to be delivered on such subjects and at such places as may be deemed in the interest of agriculture.

(11) And generally by adopting every means in their power to promote improvement in Agriculture and the useful Arts in the Province. 45 V. c. 4, s. 8.

29. The Council shall keep a record of their transactions, and may from time to time publish, in such manner and form as to secure the widest circulation among the Agricultural Societies, and among farmers generally, all such reports, essays, lectures, and other useful information as the Council may procure and adjudge suitable for publication. R. S. O. 1877, c. 35, s. 28. Records of transactions, essays, etc.

30. [On or before the 1st day of February in each year the Council shall transmit to the Department a report for the preceding calendar year, wherein shall be embraced a record of their transactions, the financial statement of the Auditors, a list of all persons to whom prizes have been awarded either for exhibits at the Provincial Fair or for other objects, such information as they have obtained of progress made during the year in the several departments of the Fair as compared with previous years, and generally such means as have been used and measures taken by the Council under section 28 of this Act to promote improvement in Agriculture and the useful Arts.] R. S. O. 1877, c. 35, ss. 29, 31, 33.

31. The corporation of any city or town may enter into an agreement with the Council, binding such corporation to erect buildings necessary for holding the annual exhibition of the Association; and in consideration [thereof the Council may] select such corporation as the one within whose territorial limits their exhibition shall be held; but in the event of such corporation failing to enter into a binding agreement as aforesaid, on or before the first day of May in the year for holding such exhibition, the Council may change the place for holding the same, or may dispense with an exhibition for that year. R. S. O. 1877, c. 35, s. 34; 45 V. c. 4, s. 9. Agreement between Corporations of Cities and Towns, and the Council, as to erecting Exhibition buildings.

32. The Council shall, on or before the 15th day of December in each year, submit for the approval of the Lieutenant-Governor in Council an estimate of the sums required for the purposes of the Association for the ensuing year, giving in detail in such estimate as far as possible the particular object or objects to which the money is to be applied and the amount required for each. 45 V. c. 4, s. 3. Estimates to be submitted to Lieut.-Gov. in Council.

THE VETERINARY COLLEGE.

33. (1) The Council may establish a Veterinary College for the instruction of pupils, by competent and improved teachers, in the science and practice of the veterinary art, and may pass by-laws and adopt measures for the examination of such pupils in Anatomy, Physiology, Materia Medica, Therapeutics, Chemistry, and as to the breeding of domesticated animals; and, upon proof, to the satisfaction of the Council, that such pupils possess the requisite qualifications, may grant diplomas certifying that they are competent to practise as Veterinary Surgeons. Veterinary College.

Veterinary practitioners.

(2) Veterinary practitioners holding such diplomas shall be entitled to professional fees in attending any Court of Law as witnesses in such cases as relate to the profession; and no person who does not possess a diploma or proper certificate from some duly authorized Veterinary College, within or without this Province, shall append to his name the term Veterinary Surgeon, or any abbreviation thereof. 5

Penalty on wrongfully assuming title of Veterinary Surgeon.

(3) Any person who wilfully and falsely pretends to be, or who wilfully and falsely takes or uses any name, title, addition, abbreviation or description implying or calculated to lead people to infer that he is, or is recognized by law as, a Veterinary Surgeon, within the meaning of the foregoing sub-sections of this section, or that he possesses a diploma or proper certificate from some duly authorized Veterinary College within or without the Province, shall, upon summary conviction before any Justice of the Peace, pay a penalty not exceeding \$100, and not less than \$25. 10 15

Prosecutions.

(4) All prosecutions under this section may be brought and heard before and by any Justice of the Peace having jurisdiction in the locality where the offence is alleged to have been committed, and such Justice shall have power to award payment of costs in addition to the penalty; and, in case the penalty and costs awarded by him are not upon conviction forthwith paid, to commit the offender to the common gaol, there to be imprisoned for any term not exceeding three months, unless the penalty and costs are sooner paid. 20 25

Application of penalties.

(5) All penalties recovered under this section shall be paid to the convicting Justice, and be paid by him to the Treasurer of the Agriculture and Arts Association, and shall thereupon form part of the funds of the said Association, and be accounted for as such. 30

Security to be given on appeals.

(6) Any person convicted under this section who gives notice of appeal against the decision of the convicting Justice shall, before being released from custody, give to the said Justice satisfactory security for the amount of the penalty and costs of conviction and appeal. 35

Any one may prosecute within one year.

(7) The Council or any person may be prosecutor or complainant under this section, and every prosecution thereunder shall be commenced within one year from the date of the alleged offence. R. S. O. 1877, c. 35, s. 27. 40

ELECTORAL DISTRICT AGRICULTURAL SOCIETIES.

Society may be organized in each Electoral District.

34. (1) An Agricultural Society may be organized in each of the Electoral Districts of Ontario in which there is not one already organized, whenever eighty persons have become members thereof by signing a declaration in the form of Schedule B to this Act annexed, and paying each not less than \$1 to the funds of the Society for that year; and a true copy of the said declaration shall, within one month after the money has been so paid, be transmitted to the Commissioner of Agriculture, [who shall appoint and authorize a person to call the first meeting for the formation of the Society] for the third Wednesday of January [next ensuing (of which at least two weeks' notice shall be given by advertisement in a newspaper published in the county or district, and by placard)], at which meeting the election of officers, and the election of a repre- 45 50 55

sentative, as provided by section 23, if one is to be elected for that year, shall take place; and [upon the receipt of a report of the meeting by the Department,] the Society so organized shall be deemed the Electoral District Society, and shall be 5 entitled to receive the Government grant hereinafter provided.

(2) All subsequent annual meetings shall be called and held as provided in section 38 of this Act; and all persons paying each the sum of \$1 (or such other sum, not being more than \$2, as the Directors may by by-law fix) annually to the funds 10 of the Society shall be members thereof. R. S. O. 1877, c. 35, ss. 35 (1), 36.

35. (1) The several District Societies organized at the time of the passing of this Act, or which may hereafter be organized, shall be bodies corporate, with power to acquire and 15 hold land as a site for fairs and exhibitions, or for a school farm, and, subject to the approval of a meeting of the Society called for the purpose, to sell, mortgage, lease, or otherwise dispose of the same, or any other property held by such Societies. District Societies to be bodies corporate.

20 (2) At least one week's previous notice of such meeting shall be given by advertisement in a newspaper published in the county or District and by placard; and at such meeting only members of at least two years' standing shall be allowed to vote. R. S. O. 1877, c. 35, s. 37.

25 **36.** (1) The objects of the said Societies, and of the Township Societies in connection therewith, shall be to encourage improvement in Agriculture, Horticulture, Arts and Manu- Objects of Societies. factories:

1. By holding meetings for discussion and for hearing 30 lectures on subjects connected with the theory and practice of improved husbandry or other industrial processes; Discussions, lectures, etc.

2. By promoting the circulation of agricultural, horticultural and mechanical periodicals; Periodicals.

3. By importing and otherwise procuring seeds, plants and 35 animals of new and valuable kinds; Importing seeds, etc.

4. By offering prizes for essays on questions of scientific inquiry relating to Agriculture, Horticulture, Arts and Manu- Prizes for essays. factories;

5. And by awarding premiums for excellence in the raising 40 or introduction of stock, the invention or improvement of agricultural or horticultural implements and machinery, the production of grain and of all kinds of vegetables, plants, flowers and fruits, and generally for excellence in any agricultural or horticultural production or operation, article of 45 manufacture or work of art. R. S. O. 1877, c. 35, s. 38. Premiums.

(2) [The objects of Horticultural Societies shall be the same as that of District and Township Agricultural Societies, but in relation to Horticulture and Arts only.] R. S. O. 1877, c. 35, s. 66. Horticultural societies.

50 **37.** The funds of the Societies, howsoever derived, shall not be expended for any objects inconsistent with those above mentioned. R. S. O. 1877, c. 35, s. 39. Application of funds.

Annual
meeting.

38. The annual meeting of every District Society shall be held on the third Wednesday of January in each year, in a county at one o'clock in the afternoon, and in a city at seven o'clock in the afternoon; and at least two weeks' previous notice of such meeting shall be given by advertisement in a newspaper published in the county or District, and by placard. R. S. O. 1877, c. 35, s. 40. 5

Election of
officers.

39. The Society shall at such meeting elect a President, two Vice-Presidents, and not more than nine other Directors, and the officers so elected shall elect from amongst themselves, or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer), and the Society shall also elect two Auditors; and a majority of the Board of Directors so elected shall be resident in the District. R. S. O. 1877, c. 35, s. 41; 42 V. c. 10, s. 1. 10

Annual
report.

40. (1) The officers [of the Society] shall present at such meeting a report of their proceedings [for the calendar] year, in which shall be stated the names of all the members of the Society, the amount paid by each being set opposite to his name, the amount awarded in prizes to each kind of live stock, agricultural products, implements, domestic products or other objects respectively, together with such remarks and suggestions upon the Agriculture and Horticulture of the District, and the Arts and Manufactures therein, as they are enabled to offer. R. S. O. 1877, c. 35, s. 45. 15 20

Annual
accounts.

(2) There shall also be presented a detailed statement of the receipts and disbursements of the Society during the calendar year, and also an analyzed statement in which shall be shown the expenses of management under separate and distinct heads. R. S. O. 1877, c. 35, s. 46. 25

Entry of
report.

41. The said report and statement, if approved of by the meeting, shall be entered in the Society's Journal, to be kept for such purposes, and signed by the President or Vice-President, as being a correct entry; and a true copy of such report, an abstract of the analyzed statement, [a list of the officers of the Society elected for the ensuing year with the post-office address of each, and the name of the candidate chosen to represent the Division in the Council, if one is to be elected for that year, duly] certified by the President or Secretary for the time being, together with the reports of all Township and Horticultural Societies in the District, shall be sent to the Department on or before the first day of February next following. R. S. O. 1877, c. 35, ss. 42, 47, 48. 30 35 40

Copy of Dis-
trict, Town-
ship and
Horticultural
Societies
report to
be sent to
Department.

Meetings, etc.

42. (1) The meetings of the officers of a Society shall be held pursuant to adjournment, or be called by written notice given by authority of the President, or in his absence of the senior Vice-President, at least one week before the day appointed, and at any meeting five shall be a quorum. 45

Officers may
make by-laws,
etc.

(2) At any meeting called by written notice (in which notice the object of the meeting shall be specified), the officers may make, alter and repeal by-laws and rules for the regulation of the Society and the carrying out of its objects. R. S. O. 1877, c. 35, ss. 43, 44. 50

- 43.** When any Electoral District is divided into two or more Electoral Districts, it shall be necessary to organize a new Agricultural Society for each; and any property that may have been held by the Agricultural Society representing the Electoral District prior to such division, or the value thereof, shall be equitably apportioned or divided by three arbitrators, or a majority of them, one to be appointed by the officers of the Society in each new Electoral District, and another arbitrator to be chosen by the arbitrators so appointed, or, in the event of the said arbitrators failing to choose such third arbitrator within ten days after being appointed, then the Senior County Judge [having jurisdiction] in the District shall appoint such third arbitrator; and in cases where new Electoral Districts have been formed for the purpose of representation in the Legislative Assembly, by townships taken from two or more Electoral Districts, then any property, real or personal, which originally belonged to the District Societies of such Electoral Districts, before the said townships were taken therefrom, shall in like manner be equitably apportioned between such new Electoral District Society and each of the original Societies of the Electoral Districts out of which such new District has been formed. R. S. O. 1877, c. 35, s. 49.

Division of
Electoral
Districts.

New Electoral
Districts.

- 44.** The provisions of the sections of this Act applying to Agricultural Societies, with regard to grants and Electoral Districts, conditions of grants, etc., shall extend to any new Electoral Districts to be hereafter formed in Ontario. R. S. O. 1877, c. 35, s. 50.

Act to apply
to Electoral
Districts to
be hereafter
formed.

TOWNSHIP AND HORTICULTURAL SOCIETIES.

- 45.** [Fifty or more persons when the number of ratepayers on the last revised assessment roll is two hundred or over, and thirty or more when the number of ratepayers is less than two hundred, may organize themselves into an Agricultural Society in any township, and into a Horticultural Society in any city, town or incorporated village, by signing a declaration in the form of Schedule B annexed to this Act, and paying each not less than \$1 to the funds of the Society for that year; and all persons thereafter paying each the sum of \$1 (or such other sum, not being more than \$2, as the Society may by by-law fix) annually to the funds of the Society, shall be members thereof.] R. S. O. 1877, c. 35, s. 51, 61.

Formation of
Township and
Horticultural
Societies.

- 46.** (1) [The declaration shall be written and signed on the first page or pages of a book to be kept by the Society for recording the minutes of its proceedings during the first year of its existence, and a copy thereof certified by the President and Secretary shall within one week of the first meeting of the Society be transmitted to the Secretary of the District Society with which such Society is connected; and each Township and Horticultural Society shall be legally known and designated by the name of the township or town in which it exists, and there shall not be more than one Society in any such municipality.]

Declaration.

Name of
Society.

(2) [Two or more adjoining townships may unite to form a Township Agricultural Society; and two or more adjacent

Union
Societies.

cities, towns or incorporated villages may unite to form a Horticultural Society ; and the Society shall be known by the name of the union of townships or of towns.] R. S. O. 1877. c. 35, ss. 51, 53, 62.

First meeting. 47. [The first meeting of a Township or Horticultural Society shall be called by the head of the municipality (or, in case of a union of municipalities, by the heads of said municipalities), at which meeting the election of officers mentioned in section 50 shall take place; and the Society so organized shall be entitled to share in the Government grant as herein- after provided.] R. S. O. 1877, c. 35, s. 52. 5 10

Meetings of officers. 48. [Meetings of the officers of a Township or Horticultural Society shall be called and held as provided in section 42 of this Act for meetings of the officers of a District Society ; and at such meetings they may make, alter, or repeal by-laws and rules, not being contrary to this Act or to the laws of the Province, prescribing the mode for the admission of new members and the election of officers, and otherwise for regulating and administering the affairs and property of the Society and for carrying out its objects.] 15 20

By-laws.

Incorporation of Societies. 49. Any Township or Horticultural Society, organized as provided in sections 45, 46 and 47, may at any regular meeting adopt a resolution that the said Society is desirous of being incorporated ; and upon filing with the Department of Agriculture the said resolution, and a certificate of the Secretary of the District Society with which such Society is connected that it is the recognized Society of the municipality which it professes to represent, such Society shall thenceforth be and become a body corporate, and [may acquire and hold, lease, mortgage and alienate property, real and personal, but only for the purposes of such Society and subject to the provisions of section 54 of this Act ;] and it shall be the duty of the Secretary of the District Society to sign the certificate above referred to whenever requested to do so. R. S. O. 1877, c. 35, s. 54 ; 45 V. c. 4, s. 12. 25 30 35

(2) [Every Township and Horticultural Society incorporated previous to the passing of this Act shall be deemed as duly incorporated.]

Annual meeting. 50. The said Societies shall hold their annual meetings on the second Thursday in January of each year, and shall elect a President, a Vice-President, not less than three, nor more than nine other Directors ; and the officers so elected shall elect, from amongst themselves or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer), and the said Societies shall also elect two Auditors. R. S. O. 1877, c. 35, s. 55. 40 45

Election of officers.

Annual report. 51. The said officers shall prepare and present at the annual meeting of the Society a report of their proceedings [for the last calendar year.] in the same manner as hereinbefore directed for District Societies, and containing information under the same heads [(but, in the case of Horticultural Societies, with reference to Horticulture and Arts only)], and a true copy thereof, certified by the President or Vice-President, shall be transmitted to the Secretary of the District Society with which such Society is connected, in time for 50

the annual meeting thereof in January. R. S. O. 1877, c. 35, ss. 56, 66.

52. (1) In cases where part of a township is in one Electoral District and part in another, the Township Society shall transmit a copy of its annual report to the Secretary of each such District Society, as provided for in the preceding section; and such Township Society shall also send to the respective Treasurers of the said District Societies a list of the subscriptions of its members, attested as in other cases provided for by section 57 of this Act; and, based on such returns, shall receive from each of such District Societies its share of all legislative and other public grants, but in the proportion of fifty per cent. only of such returns, as compared with the returns of other townships in the respective Districts. Report where township is divided.

(2) In the case of a union of townships to form one Society, where one township is in one District and the other in another District, then such Union Society shall report to, and do and be dealt with in all respects in the same manner as is herein provided for in the case of a township partly situated in one and partly in another District. R. S. O. 1877, c. 35, s. 57. Report of union Society.

53. Where two or more municipalities have united to form a Township [or a Horticultural Society,] a majority of such of the members of the Society as reside in any one of the municipalities comprising the Union may, by writing, signed by such majority and addressed to the officers of the united Society, express their desire to separate, and may thereupon organize a new Society for such municipality in the manner provided by sections 45 and 46, and the former united Society shall thereupon become dissolved and cease to exist; and the assets of the Union Society shall be divided in the manner provided by section 43 in regard to the assets of separating Electoral District Societies. R. S. O. 1877, c. 35, s. 58. Dissolution of union township Societies. How assets divided.

54. Any Township or Horticultural Society holding land or buildings for the purpose of Agricultural Fairs or Exhibitions may, subject to the approval of a meeting of the Society called for the purpose (at which meeting only members of at least two years' standing shall be allowed to vote), sell, mortgage, lease, or otherwise dispose of the same. R. S. O. 1877, c. 35, s. 59. Power to sell lands.

55. Any Township Society, and Town or Village Municipality, that had, prior to the 4th day of March, 1868, jointly purchased and held any lands or buildings for the purpose of Agricultural Fairs or Exhibitions, may continue jointly to hold such lands or buildings, or may sell, mortgage, lease or otherwise dispose of the same, [subject to the approval of a meeting of the Society as provided in the foregoing section.] R. S. O. 1877, c. 35, s. 60. Powers as to lands.

LEGISLATIVE GRANTS.

56.—(1) An Electoral District Society, so long as the number of its *bona fide* members is not less than eighty, having forwarded to the Commissioner a copy of its report and statements for the year then last past, as required by section 41, and Grants to District Societies, and conditions thereof.

transmitting to the Commissioner on or before the 1st day of September in each year, an affidavit (which may be in the form of Schedule C annexed to this Act, and may be sworn to before any Justice of the Peace), stating the amount subscribed for that year and paid to the Treasurer of the District Society by the members thereof, together with the amounts returned to the said Treasurer of the District Society by the several Horticultural and Township Agricultural Societies of the said District, as provided in section 57 of this Act, shall be entitled (subject to the limitations hereinafter mentioned) to receive a sum, to be paid out of any unappropriated moneys in the hands of the Treasurer of the Province, equal to three times the whole amount certified by the said affidavit of the Treasurer of such Electoral District Society; [but the whole amount to any District Society shall not exceed \$700 in any year, and no grant shall] be made unless the amount so certified by the affidavit of the said Treasurer is \$130 or upwards.

Proviso.

(2) The City of Toronto [(which for the purposes of this Act is constituted one Electoral District)] shall not receive more than \$550 in any year; and the Districts of the City of Kingston, the City of Hamilton, the City of London, the City of Ottawa, [the Town and Township] of Cornwall, [and the Town and Township of Niagara] shall not receive more than \$350 respectively, in any year. R. S. O. 1877, c. 35, s. 67.

Share of grant to Township and Horticultural Societies, and conditions thereof.

57. (1) [Every Township or Horticultural Society connected with a District Society, having made a report of its proceedings as required by section 51, and transmitted to the Treasurer of the District Society on or before the 1st day of August in each year a list of the members of the Society and the amount subscribed and paid by each for the year, attested by an affidavit of its Treasurer (which affidavit may be in the form of Schedule D), and so long as the number of its *bona fide* members is not less than the number required for organization, shall be entitled to a share of the grant made to the District Society in proportion to the amount subscribed and paid by the members of other Township and Horticultural Societies of the District; and the Treasurer of the District Society shall pay over to such Township or Horticultural Society its share of the public grant as soon as the said grant is received by him.] R. S. O. 1877, c. 35, s. 68.

Proviso.

(2) [The declaration mentioned in sections 45 and 46 of this Act shall be deemed a sufficient report in the first year in which any Township or Horticultural Society has been organized.] R. S. O. 1877, c. 35, s. 69 (2).

Proviso.

58. [Three-fifths of the grant received by an Electoral District Society shall be subject to division among the Township and Horticultural Societies connected therewith; but no Society shall thus receive more than three times the amount returned by it as subscribed and paid by its members, nor more than one-fifth of the entire grant to the District Society; and any balance of the three-fifths not appropriated under this distribution shall remain to the District Society.] R. S. O. 1877, c. 35, s. 69 (1, 2).

59. [In the case of a Township Society in one of the Special grants. outlying parts of the Province not connected with a District Society, or of any Township Society whose circumstances may be regarded as special, the necessary report and statement shall be transmitted to the Commissioner; but no grant shall be made to such Society unless the amount certified in the affidavit as subscribed and paid by members is \$30 or upwards, nor shall the grant exceed three times the amount of the local subscription.]

60. Nothing in this Act contained shall be construed as admitting any member of a Township Society, in virtue of his subscription thereto, and without further subscription to the Electoral District Society, to any of the privileges of a member of such Electoral District Society, except where the Electoral District Exhibition is held within the limits of a township, as mentioned in section 63 of this Act. R. S. O. 1877, c. 35, s. 70. Proviso.

EXHIBITIONS.

61.—(1) The exhibition of the Electoral District Society shall be held wherever the majority of the officers, or of a quorum thereof, think fit, giving due and public notice thereof, within the limits of the District, or of any adjoining District or township with the Society of which they may unite their funds as hereinafter mentioned. Where Exhibitions of District Society held.

(2) Whenever the officers of any District or Township Society have by by-law or resolution fixed upon a place or places for holding the exhibition or exhibitions of such Society for any year or years, then the place or places for holding such exhibition or exhibitions shall not be changed except by the vote of a majority of the members of such Society of at least two years' standing, present at a special meeting called by the officers of such Society for the purpose of considering the proposed change; and at least two weeks' previous notice of such meeting shall be given by advertisement in a newspaper published in the county or District, and by placard.

(3) Such meeting shall be at the hour of nine o'clock in the forenoon; and if a poll is demanded the same shall be opened at one o'clock in the afternoon and closed at six o'clock in the afternoon, after which time no votes shall be taken; and the presiding officer shall thereupon declare the result of the poll. R. S. O. 1877, c. 35, s. 71.

62. Any two or more Electoral District Societies, or a District Society and any recognized Township or Horticultural Society or Societies, or any two or more such Township or Horticultural Societies, or the Society of a City Electoral District and any Township or Horticultural Society or Societies adjoining such City Electoral District, may, by agreement between the officers, or a majority of the officers, of each such Society, unite their funds, or any portion thereof, for the erection of suitable buildings in which to exhibit articles of produce or manufacture, or works of art, and for annual or extra exhibitions, or for ploughing matches, or for any other purpose likely to promote the welfare of any one or more Electoral Districts or Townships, in Agriculture, Horticulture, Union of District and Township Societies.

Arts and Manufactures, and may acquire by purchase or lease, and hold, sufficient land for this purpose from time to time, and may, subject to the approval of a meeting of the Society called for the purpose, at which meeting only members of at least two years' standing shall be allowed to vote, sell, mortgage, lease or otherwise dispose of the same. R. S. O. 1877, c. 35, s. 72. 5

Township
Societies
Exhibition.

63. The exhibitions of any Township Agricultural Society shall be held at such place as shall afford sufficient accommodation for such exhibitions; but no separate Township 10 Agricultural Exhibition shall be held within five miles of the place at which the Electoral District Exhibition is held for any year in the same township; but a Township Agricultural Society may unite with the District Society, and may merge its funds with those of the District Society for that year, and, 15 if so merged, the members of such Township Society shall be entitled to all the privileges of members of the District Society at the exhibition, and the President, Vice-President and Directors of such Township Society shall be co-Directors with the Directors of the District Society for the conducting and 20 management of such exhibitions. R. S. O. c. 35, s. 73.

OTHER ASSOCIATIONS.

Fruit Growers'
Association,
Entomological
Society,
Dairymen's
Associations,
and Poultry
Associations.

64.—(1) [The Associations now existing, and known as "The Fruit Growers' Association of Ontario," "The Entomological Society of Ontario," "The Dairymen's Association of Eastern 25 Ontario," "The Dairymen's Association of Western Ontario," and "The Poultry Association of Ontario," shall each continue to be a body corporate, to comprise not less than [fifty] members, and may each make by-laws and regulations for the Association's guidance and proper management, not being contrary to the 30 provisions of this Act or the general laws of the Province.] R. S. O. 1877, c. 35, ss. 89, 94, 98; 42 V. c. 11, ss. 1-5.

Bee-keepers'
Association.

(2) [The Association now existing, and known as "The Bee-keepers' Association of Ontario," is hereby declared to be a body corporate, to comprise not less than fifty members, and 35 may make by-laws and regulations for its guidance and management, subject to the provisions of the foregoing sub-section.]

Annual
grants.

65. Each of such Associations, so long as the number of its *bona fide* members is not less than fifty (each paying an annual subscription of not less than \$1), and so long as it 40 complies with the provisions of this Act, shall be entitled to receive from unappropriated moneys in the hands of the Treasurer of the Province a specified sum to be placed in the estimates for each year; provided that the Secretary of each of the said Associations shall, on or before the 1st day of 45 September in each year, transmit to the Commissioner of Agriculture an affidavit, which may be sworn to before any Justice of the Peace, stating the number of members who have paid their subscriptions for the current year, and the total amount of such subscriptions.] R. S. O. 1877, c. 35, ss. 90, 95, 50 99; 42 V. c. 11, s. 10.

Proviso.

Annual
meeting.

66.—(1) [Each of such Associations shall hold an annual meeting at such time and place as may be determined upon; and each Association shall at such annual meeting elect a President

and two Vice-Presidents, and shall also elect one Director from each of the Agricultural Divisions included in such Association's limits; and the officers and Directors so elected shall elect from among themselves, or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer); and each Association shall elect two Auditors.] R. S. O. 1877, c. 35, ss. 91, 96, 101; 45 V. c. 11, s. 7.

(2) The officers shall have full power to act for and on behalf of the Association, and all grants of money and other funds of the Association shall be received and expended under their direction, subject, nevertheless, to the by-laws and regulations of the Association. R. S. O. 1877, c. 35, s. 92.

67. [At each annual meeting the retiring officers shall present a full report of their proceedings, and of the proceedings of the Association, and a detailed statement of its receipts and expenditure for the previous year, duly audited by the auditors; and a copy of said report, a statement of receipts and expenditure, and a list of the officers elected, and also such general information on matters of special interest to each Association that such Association may have been able to obtain, shall be sent to the Commissioner within forty days after the holding of such annual meeting.] R. S. O. 1877, c. 35, ss. 91, 96, 102; 42 V. c. 11, s. 8.

68. [The Dairymen's Association of Eastern Ontario, The Dairymen's Association of Western Ontario, and the Poultry Association of Ontario, shall each hold an annual exhibition, at such time and place as each of the said Associations shall at its annual meeting appoint. R. S. O. 1877, c. 35, s. 103; 42 V. c. 11, s. 6.

30 GENERAL PROVISIONS OF THE ACT.

69. All persons not under eighteen years of age, who have paid the membership subscription for the year then next ensuing, to any Society organized under this Act, shall have the right of voting at the election of officers [(including in the case of an Electoral District society the election of a representative of an Agricultural Division in the Council of the Agriculture and Arts Association, if one is to be chosen that year,] and on all other questions submitted to the annual meetings of such Societies.) R. S. O. 1877, c. 35, s. 105.

70. No membership subscriptions for the ensuing year paid after the President or presiding officer has declared the poll open for the election of officers, shall entitle any member to vote for such officers, or shall render him eligible for election as an officer, nor, except in the case of the City and Town Electoral District and Horticultural Societies, shall any votes be received earlier than one o'clock in the afternoon nor later than six o'clock in the afternoon of the same day. R. S. O. 1877, c. 35, s. 106.

71. [Except as otherwise provided, a vacancy occurring by the death or resignation of any officer of an Agricultural or other society organized under this Act may be filled by the remain-

ing officers thereof; and] it shall be the duty of such officers, and they are hereby empowered, to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning; but in the event of the remaining officers being insufficient to form a quorum, or if for 5 any reason a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in manner provided in the next section. R. S. O. 1877, c. 35, s. 107.

Where election illegal and void.

72. In the event of an election of any officers of any Association, Council, Society or other body coming within the 10 provisions of this Act, not being held at the time or place herein directed, or being for any reason illegal and void, then the persons in office at the time when such election should have been legally held shall continue to be, and shall be deemed to be, the officers of such Association, Council, Society or body, 15 until their successors are legally appointed, and, in the event of any such non-election, or illegal election, a special meeting of the members of such Association, Council, Society or other body, shall be called as soon as practicable for the election of such officers; such meeting to be called (in the manner provided in section 38 in the case of the annual meeting of an Electoral District Society) by the President, or in his absence or on his neglect by the Vice-President, or in the absence or on the neglect of the President and Vice-President, then by any three members of the Association, Council, Society or other 25 body; and at such meeting the election of officers shall take place, and the persons elected shall thenceforth, until their successors are appointed, be and be deemed to be the officers of such Association, Council, Society or body. R. S. O. 1877, c. 35, s. 108. 30

Special meetings.

[(2) A special meeting of the Directors of any Association Council or Society organized under this Act may be called by the President thereof, or in his absence or on his neglect by the Vice-President, or in the absence or on the neglect of the President and Vice-President, then by any three members of such 35 body, of which meeting at least seven days' notice shall be given to each member; and except as otherwise provided for, a majority of the Directors of any such body shall be a quorum.]

Majority of officers to be residents.

73. The majority of the officers of Electoral District and Township Agricultural Societies, and of Horticultural Societies, 40 shall be residents of the Electoral District or Municipality which such Society represents; but the membership of any such Society may extend to other Electoral Districts or Municipalities. R. S. O. 1877, c. 35, s. 109.

Delegates to furnish certificates.

74. Every delegate from a Society to any Association or 45 Council of an Association, under this Act, whether he be such by virtue of his office or has been appointed thereto by special resolution, shall at the annual (or first) meeting of such Association or Council for that year, furnish a certificate, signed by the President and Secretary, and sealed with the seal of the 50 Society he professes to represent, showing that he has been duly appointed a delegate of such Society; and such certificate may be in the form of Schedule E to this Act annexed. R. S. O. 1877, c. 35, s. 110.

75. The Lieutenant-Governor shall issue his warrant in favour of the Agricultural and other Societies entitled to grants under this Act to the amount of the whole appropriation required, as certified by the Commissioner of Agriculture; and the Commissioner shall cause to be paid over to the Electoral District and other Societies the public grants to which they are respectively entitled. R. S. O. 1877, c. 35, s. 111. Commissioner to pay grants.

76. [The Treasurer of every Society or Association organized under this Act, before entering upon the duties of his office, shall give such security as the Board of Directors or other managing officers may deem necessary for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every such Board in each and every year to inquire into the sufficiency of the security given by such Treasurer, and report thereon.] Treasurer of a society to give security.

77. The Council or Board of Directors of any Association or Society organized under this Act, on being made aware of any fraud having been committed by any member or exhibitor, in the entry of any stock or goods in competition for prizes at any Exhibition, shall have the power of withholding the payment of any prizes that may have been awarded by the Judges to such members or exhibitors, on such fraudulent or any other entries made at any such Exhibition. R. S. O. 1877, c. 35, s. 104. Frauds at Exhibitions.

78.—(1) Any Electoral District or incorporated Township Society, or the Municipal Council of any County or Township in Ontario, may purchase and hold land for the purpose of establishing a School Farm, to instruct pupils in the science and practice of Agriculture; and any such Society and any Municipal Council may purchase and hold such School Farm conjointly or otherwise, and may, conjointly or otherwise, make all necessary rules and regulations for the management thereof; and may sell, mortgage, lease or otherwise dispose of the same. Society may purchase land for school farm.

35 (2) Not more than two hundred acres of land shall be so held by any such Society or Council, whether conjointly or otherwise. R. S. O. 1877, c. 35, s. 112. Proviso.

MUNICIPAL AID TO AGRICULTURAL AND OTHER SOCIETIES.

79. The Municipal Council of any City, Town, Village, County or Township in this Province may grant money or land in aid of the Agriculture and Arts Association, or of any duly organized Agricultural or Horticultural Society, coming within the provisions of this Act, being within the limits of the municipality, or within any adjoining municipality; and any such grants heretofore made shall be held to be and to have been legally made. R. S. O. 1877, c. 35, s. 113. *See also Rev. Stat. c. 174, s. 454 (4).* Municipalities may grant land or money in aid of purposes of this Act.

KEEPING THE PEACE AT EXHIBITIONS.

80. Any Justice of the Peace having jurisdiction in any City, Town, Village or Township, wherein a Fair or Exhibition may be held, shall, on the request of the Council of the Agri- Justices of the Peace may appoint policemen, etc.

culture and Arts Association, or of the President or Executive Committee of any Agricultural or Horticultural Society, appoint as many policemen or constables as may be required at the expense of the said Association or of such Society, said policemen or constables to be named by such Association or Society, whose duty it shall be to protect the property of such Association or Society within the Exhibition grounds, and to eject all persons who may be improperly within the grounds, or who may behave in a disorderly manner, or otherwise violate any of the rules or regulations of such Association or Society. R. S. O. 1877, c. 35, s. 114. 5 10

Penalty for obstructing officers or gaining admission contrary to rules.

81. If any person wilfully hinders or obstructs the officers or servants of the Agriculture and Arts Association, or of any Agricultural or Horticultural Society, in the execution of their duty, or gains admission to the said grounds contrary to the rules of such Association or Society, he shall be liable to a fine of not less than \$1, nor more than \$20; said fine to be enforced and collected as fines are usually collected, and to be paid over to such Association or Society for its use and benefit; and in default of payment the said offender shall be imprisoned in the common gaol for a period of not more than thirty days. R. S. O. 1877, c. 35, s. 115. 15 20

Gambling, etc., to be prevented.

Penalty.

82. The officers of any such Association or Society may by their rules and regulations, prohibit and prevent all kinds of gambling, theatrical, circus or mountebank performances, exhibitions or shows, and also regulate or prevent the huckstering or trafficking in fruits, goods, wares or merchandise on the Exhibition grounds, or within 300 yards thereof; and any person who, after due notice of such rules and regulations, violates the same, shall be liable to be removed by the officers, policemen or constables of said Association or Society, and be subject to the penalty prescribed by the next preceding section. R. S. O. 1877, c. 35, s. 116. 25 30

Horse racing prohibited during exhibitions.

Penalty.

83.—(1) It shall not be lawful to carry on any horse-racing during the days appointed for holding any Exhibition by the Agriculture and Arts Association, or by any Electoral District Society, within five miles of the place of holding the same. 35

(2) Any person who is guilty of a violation of this section shall be liable, upon summary conviction before a Justice of the Peace, to a fine not exceeding \$50, or imprisonment in the common gaol of the County for a period not exceeding thirty days. R. S. O. 1877, c. 35, s. 117. 40

84. The Revised Statutes of Ontario, chapter 35, 1877, being *An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures*," and all other Acts amending the said Act or declared to be part thereof, or inconsistent with the provisions of this Act, are hereby repealed. 45

SCHEDULE A.

(Section 20.)

AGRICULTURAL DIVISIONS.

1. Stormont, Dundas, Glengarry, Prescott and Cornwall.
2. [Lanark North, Lanark South, Renfrew North, Renfrew South, Carleton, Russell, and the City of Ottawa.]
3. Frontenac, City of Kingston, [Leeds and Grenville North, Leeds South, Grenville South,] and Brockville.
4. [Hastings East, Hastings North, Hastings West, Addington, Lennox and Prince Edward.]
5. [Durham East, Durham West, Northumberland East, Northumberland West, Peterborough East, Peterborough West, Victoria North (including Haliburton), and Victoria South.]
6. [York East, York North, York West, Ontario North, Ontario South], Peel, Cardwell, and City of Toronto.
7. [Wellington Centre, Wellington South, Wellington West, Waterloo North, Waterloo South, Wentworth North, Wentworth South], Dufferin and City of Hamilton.
8. Lincoln, [Niagara], Welland, Haldimand and Monck.
9. [Elgin East, Elgin West, Brant North, Brant South, Oxford North, Oxford South, Norfolk North and Norfolk South.]
10. [Huron East, Huron South, Huron West, Bruce North, Bruce South, Grey East, Grey North and Grey South.]
11. [Perth North, Perth South, Middlesex East, Middlesex North, and City of London.]
12. [Essex North, Essex South, Kent East, Kent West, Lambton East and Lambton West.]
13. [Algoma East, Algoma West, Simcoe East, Simcoe South, Simcoe West], Muskoka and Parry Sound.

R. S. O. 1877, c. 35, Sched. A.

SCHEDULE B.

(Sections 34, and 45.)

DECLARATION OF ASSOCIATION.

We, whose names are subscribed hereto, agree to form ourselves into a Society, under the provisions of *The Agriculture and Arts Act*, to be called the Electoral District (or Township), Agricultural (or Horticultural) Society of the Electoral District (or Township or City or Town or incorporated Village) of ; and we hereby severally agree to pay to the Treasurer the sums opposite our respective names; and we further agree to conform to the By-laws and Rules of the said Society.

NAMES.	\$	CTS.

R. S. O. 1877, c. 35, Sched. B.

SCHEDULE C.

(Section 56.)

AFFIDAVIT AS TO AMOUNT OF LOCAL CONTRIBUTIONS TO DISTRICT SOCIETY.

COUNTY OF _____ }
 To Wit : _____ }

I, A. B. of the (Township) of _____, Treasurer of the Electoral District Agricultural Society of _____, make oath and say that the sum of _____ has been reported to me by the Treasurers of the Township Agricultural Societies and of the Horticultural Societies of the said Electoral District, under oath, as provided for in section 57 of *The Agriculture and Arts Act*, as and for the members' subscriptions for this year; and that the sum of _____ has been paid into my hands, as subscriptions for this year by members of the said Electoral District Society; and that the said sums amount in the whole to the sum of _____; and that the amounts received as subscriptions to the Electoral District Society now remain in my hands or have already been disposed of according to law.

Sworn before me this _____ day of _____, A. D. 18 _____ }
 C. D., _____ } A. B.
Justice of the Peace for the County of _____

R. S. O. 1877, c. 35, Sched. C.

SCHEDULE D.

(Section 57.)

AFFIDAVIT AS TO LOCAL CONTRIBUTIONS TO TOWNSHIP, ETC., SOCIETY.

COUNTY OF _____ }
 To Wit : _____ }

I, A. B. of the Township of _____, Treasurer of the Agricultural (or Horticultural) Society of the (Township) of _____, make oath and say that the sum of _____ has been paid into my hands, as and for the members' subscriptions for this year, in accordance with the list herewith sent to the Treasurer of the Electoral District Society (or to the Commissioner of Agriculture and Arts, as the case may be); and that the said sum is now in my hands, or has already been disposed of according to law.

Sworn before me this _____ day of _____, A. D. 18 _____ }
 C. D., _____ } A. B.
Justice of the Peace for the County of _____

R. S. O. 1877, c. 35, Sched. D.

SCHEDULE E.

(Section 93)

CERTIFICATE OF APPOINTMENT OF DELEGATE.

We, the President and Secretary of the Electoral District Agricultural Society (or Horticultural Society, or other Society, as the case may be) of the Electoral District (City or Town or incorporated village) of _____, hereby certify that _____, President, (or other

officer, as the case may be) of the said Society, has been duly appointed by the said Society to represent it at the approaching Annual (*or other*) Meeting of the Agricultural and Arts (*or other*) Association of Ontario, at _____, in the County of _____, on the _____ day of _____ next.

Dated this _____ day of _____, A.D. 18.

President.

[L.S.]

Secretary.

R. S. O. 1877, c. 35, Sched. F.

No. 127.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to Consolidate and Amend the
Agriculture and Arts Act.

First Reading, 2nd March, 1886.

Mr. ROSS,
(*Huron.*)

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Consolidate and Amend the Agriculture
and Arts Act.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows:—

1. This Act may be cited as *The Agriculture and Arts Act*, Short title.
5 R. S. O. 1877, c. 35, s. 1.

2. In the construction of this Act,

(1) "Department" shall mean the "Department of the
"Commissioner of Agriculture and Arts;" Interpreta-
tion.
"Depart-
ment."

(2) "Commissioner" or "Commissioner of Agriculture" shall
10 mean the "Commissioner of Agriculture and Arts;" "Commis-
sioner."

(3) "Bureau" shall mean the "Bureau of Industries;" "Bureau."

(4) "Council" or "Council of the Association" shall mean
"Council of the Agriculture and Arts Association;" and "Council."

(5) "District" and "Electoral District" shall mean a Dis-
15 trict as constituted for the purpose of representation in the
Legislative Assembly, except as provided for in *The Franchise
and Representation Act, 1885.* R. S. O. 1877, c. 35, s. 2. "Electoral
District."

3. The Agriculture and Arts Association, the Council of the
Agriculture and Arts Association, the Fruit Growers' Associa-
20 tion of Ontario, the Entomological Society of Ontario, the
Dairymen's Associations of Ontario, the Poultry Association
of Ontario, and all Agricultural and Horticultural Societies
heretofore recognized and existing in Ontario, shall continue,
except so far as they may be altered or affected by this Act.
25 R. S. O. 1877, c. 35, s. 4. Societies
continued.

4. The Commissioner of Agriculture may decide all matters
of doubt or dispute as to the working or construction of this
Act, and his decision shall be final, except that an appeal there-
from may be made to the Lieutenant-Governor in Council.
30 R. S. O. 1877, c. 35, s. 3. Commissioner
to decide
disputes.

5. The Commissioner may appoint any person or persons to
inspect the books and accounts of any Society or body in the
Province receiving Government aid, and being in any way in
connection with the Department, and may empower such per-
35 son to summon witnesses and enforce the production of docu-
ments before him, and to take evidence upon oath in regard to
such inspection; and all officers of any such Society or body,
Commissioner
may appoint
persons to in-
spect accounts
of Societies,
etc.

whenever required so to do, shall submit the books and accounts thereof to such inspection and truly to the best of their knowledge answer all questions put to them in relation thereto, or to the funds of such Society or body. R. S. O. 1877, c. 35. s. 7.

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BUREAU OF INDUSTRIES.

Bureau to be under direction of Commissioner of Agriculture.

6. There shall be attached to the Department of the Commissioner of Agriculture a Bureau, to be styled "The Bureau of Industries," for collecting, tabulating and publishing industrial information for public purposes, and the Commissioner shall be charged with the direction thereof. 45 V. c. 5, s. 2. 10

Useful facts relating to agriculture, etc., to be collected and published.

7. It shall be the duty of the Commissioner to institute inquiries and collect useful facts relating to the agricultural and other industrial interests of the Province, and to adopt measures for disseminating or publishing the same in such manner and form as he finds best adapted to promote improvement within the Province; and (amongst other things) to procure and publish early information relating to the supply of grain, breadstuffs and live stock in the other Provinces of the Dominion, in Great Britain, and in the United States and other foreign countries in which the Province finds a market for its surplus products, and as to the demand therefor; and the Commissioner shall, ~~not~~ on or before the first day of May in each year, cause to be published and distributed for the use of the members of the Legislature, the general report and the tabular abstract for the preceding year, made by the Secretary to the Commissioner, as provided by section 9 of this Act. ~~and~~ 15 20 25

Appointment of Secretary and other officers.

8. The Lieutenant-Governor may appoint a Secretary of the Bureau, and may also appoint such other officers as may be necessary for the proper conduct of the Bureau. 45 V. c. 5. s. 4. 30

Duties of Secretary.

9. It shall be the duty of the Secretary, under the instructions of the Commissioner, to conduct all correspondence of the Bureau; to send to the proper officers and persons of whom such service is required the schedules, with instructions approved by the Commissioner, for the collection of facts and information relating to Agriculture and other industries of the Province; to receive, *abstract* and tabulate the information collected and obtained, and to publish the same *from time to time* during the growing season; to prepare at the close of each year a general report to the Commissioner, including a tabular abstract of facts relating to land, trade, government, population, and other subjects compiled ~~and~~ annually from the departmental records of the Province and from other available records; and generally to perform all work within the sphere of the Bureau as he may from time to time be directed by the Commissioner. 45 V. c. 5, s. 5. 35 40 45

Officers of certain societies and others to answer all official communications.

10. The officers of all societies and associations organized under *The Agriculture and Arts Act*, and of all municipal councils, school boards and public institutions, and all public officers of this Province, shall promptly answer all official communications from the said Bureau, shall from time to time collect and tabulate facts according to instructions to 50

be furnished them, shall make diligent efforts to supply correct information on all questions submitted to them, and generally shall act as far as practicable upon the recommendations of the Commissioner; and any officer of any such society, association, council, school board or public institution making a false return of information, or refusing or wilfully neglecting to answer any question, or to fill up, tabulate and return official schedules according to instructions and within the prescribed times, or to furnish information relating to the industries of the Province, when required so to do either by the Commissioner or by the Secretary of the Bureau, shall for every such offence incur a penalty of \$40, which shall be recoverable by any person suing for the same before any Court of competent jurisdiction, and shall be paid to Her Majesty for the use of this Province. 45 V. c. 5, s. 6.

11. The Commissioner of Agriculture, with the approval of the Lieutenant-Governor in Council, may make such arrangements as he deems expedient with the Government of the Dominion for the collection and transmission of information on the agricultural, manufacturing and other interests of the Province, or for obtaining for the use of the Province such information as may have been collected by the Department of the Minister of Agriculture. 45 V. c. 5, s. 7.

12. All collectors and officers employed in collecting data for the Bureau of Industries shall be entitled to receive one copy each of the publications and reports of the said Bureau. 45 V. c. 5, s. 8.

Arrangements with Government of Dominion.

Officers, etc., entitled to copy of reports.

THE AGRICULTURE AND ARTS ASSOCIATION.

13.—(1) The members of the Council of the Agriculture and Arts Association, both elected and *ex officio*, the ex-Presidents of the Association, the President and first Vice-President of Electoral District Societies, of the Fruit Growers' Association, of the Entomological Society, of the Dairymen's Associations, of the Poultry Association, of the Bee-keepers' Association, and the Ontario Creamery Association, or any two members appointed to act instead of the President and Vice-President of any one of the foregoing societies, the Professors of the Ontario Agricultural College, life members, and all subscribers of \$1 annually (which shall entitle such subscribers to membership only for the year for which their subscription is paid), shall constitute the Agriculture and Arts Association; and the officers of the Council shall be the officers of the Association. R. S. O. 1877, c. 35, ss. 12 (1), 16, 25 (4); 45 V. c. 4, s. 1.

Who shall be members of the Association.

(2) The payment of \$10 shall constitute a life membership of the Association, when given for that special object, and not as a contribution to any local fund; and those persons who have heretofore been made life members under by-laws of the Association shall continue to be life members of the same. R. S. O. 1877, c. 35, s. 12, (2).

Life members.

(3) The annual meeting of the Association shall be held at a time and place to be appointed by the Council, at which all matters of interest to the Association may be considered, and reports or recommendations may be made to the Council thereon.

Contracts to be made with Council.

14. All contracts and all legal proceedings by, with, or concerning the Association shall be made and had with the said Council in its corporate capacity; and no other contract or legal proceeding shall bind or affect the Association. R. S. O. 1877, c. 35, s. 13.

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Funds of Association to be deposited in a chartered bank.

15. All funds of the Association, except moneys paid out during the time of holding or within one week after the close of the annual Provincial Fair or Exhibition, shall be deposited to the credit of the Association, in a chartered bank of the Dominion of Canada, to be selected by the Council of the Association; and all payments made thereout shall be by cheques drawn on such bank by the Treasurer of the Association and countersigned by the Secretary thereof. R. S. O. 1877, c. 35, s. 14.

Expenditure of money.

16. No resolution, by-law, or other proceeding of the Council involving an expenditure of money to an amount exceeding \$40 shall be passed or taken except with the assent of a majority of the members thereof, or upon the recommendation of an executive committee of not less than three members, who shall be appointed in accordance with a by-law of the Association. R. S. O. 1877, c. 35, s. 30.

Liabilities of Association to be paid by 31st Dec.

17. All liabilities of the Association shall, except in cases of reasonable dispute regarding the same, be paid on or before the 31st day of December of the year in which the same were incurred; and when a payment is made through the post it shall be by cheque, payable at par by the bankers of the Association, at any of their offices in Canada. R. S. O. 1877, c. 35, s. 15.

Appointment and report of auditors.

18. On or before the 15th day of December in each year, two Auditors shall be appointed, one by the Commissioner of Agriculture and the other by the Council of the Association, whose duty it shall be to examine the accounts of all moneys received and expended by the Treasurer of the Association, and to examine into the assets and liabilities of the Association, and, on or before the 15th day of January ensuing, to report as to said accounts, receipts, expenditures, assets and liabilities to the Secretary of the Association; and the Council shall pay the Auditors a reasonable remuneration for their services. R. S. O. c. 35, s. 25 (2); 45 V. c. 4, s. 2.

THE COUNCIL OF THE ASSOCIATION.

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Council of the Association.

19. The Council of the Agriculture and Arts Association shall be composed of thirteen members, elected as hereinafter provided. R. S. O. 1877, c. 35 s. 18; 45 V. c. 4, s. 4.

Agricultural Divisions.

20. Ontario shall be divided into thirteen Agricultural Divisions, designated by numbers, and comprising the Electoral Districts enumerated in Schedule A annexed to this Act; and each Division shall be represented by one member in the Council of the Association. R. S. O. 1877, c. 35, s. 19.

Four members of Board to retire annually.

21. (1) Four (or five, as the case may be) members of the Council shall retire annually, in the order in which such members have been elected for the respective Divisions, each seat being

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vacated every third year; and the Secretary of the Association shall send a list of the names of the retiring members to the Secretary of each Electoral District Society on or before the 1st day of September in each year.

(2) The retiring members (who are eligible for re-election) may continue to exercise all their functions until their successors have been duly elected. R. S. O. 1877, c. 35, s. 21.

22. The nomination of a candidate or candidates to represent an Agricultural Division in the Council shall be made in writing by ten or more members of some Electoral District Society in such Division, and forwarded to the Commissioner of Agriculture on or before the 15th day of December preceding the election; and the Commissioner shall, on or before the 26th day of December next ensuing, mail to the Secretaries of the several District Societies in such Division the names of all persons so nominated. 45 V. c. 4, s. 5 (4). Nomination of candidates.

23. (1) The members of the District Societies in each Division shall, at their several annual meetings provided by section 39 of this Act, elect from the persons nominated therefor one to represent their Division in the Council, each District Society having one vote, and the person receiving the largest number of votes of such District Societies shall be the member of the Council to represent such Division. District societies to elect a representative.

(2) In case the vote for such member results in a tie, then the District Society amongst those Societies voting for one or other of the persons in respect of whom the tie occurs which has the largest number of members, as appears by the report for the last calendar year, shall have the casting vote. Casting vote.

(3) Vacancies in the Council through death, resignation, or otherwise, shall be filled by the Commissioner. 45 V. c. 4, s. 5. Vacancies.

24.—(1) The first meeting of the Council, after the election of members in each and every year, shall be called by the Secretary some time during the month of February or of March; and at such meeting the members present shall elect from among themselves a President and Vice-President. President, etc., to be elected.

(2) The Council shall also appoint a Secretary and a Treasurer (neither of whom shall be members thereof), and may pay them reasonable salaries for their services. Secretary and Treasurer.

(3) The regular meetings of the Council shall be held pursuant to adjournment, or be called by the Secretary at the instance of the President, or in his absence of the Vice-President, or upon the written request of any three members; and at least seven days' notice of such meetings shall be given to each member. Regular meetings of the Council.

(4) In the absence of the President or Vice-President from any meeting, the Council may appoint a chairman *pro tempore*, and seven members shall be a quorum. R. S. O. 1877, c. 35, s. 25 (1-7); 45 V. c. 4, s. 7. Chairman pro tem. and quorum.

25. The Council may grant to the members thereof an allowance not exceeding four dollars per day for the days on which they are actually in attendance at the meetings of

the Council, and an allowance not exceeding four cents a mile for the distance necessarily travelled by the members in going to and returning from said meetings. ~~and~~

POWERS AND DUTIES OF THE COUNCIL.

Council to be
a body cor-
porate.

26. The Council shall continue to be a body corporate, and may acquire and hold land and personal property for the purposes of the Association, and may sell, mortgage, lease, or otherwise dispose of the same; and all property, real or personal, heretofore vested in or held by the Agriculture and Arts Association shall continue to be vested in the said Association, and under the control of the Council thereof. R. S. O. 1877, c. 35, s. 23. 5 10

Powers of the
Council.

27. The Council shall have full power to act for and on behalf of the Association; and all grants of money, subscriptions or other funds made or appropriated to or for the use of the Association (except money collected by or granted to any local committee for any special objects), shall be received by and expended under the direction of such Council. R. S. O. 1877, c. 35, s. 24; 45 V. c. 4, s. 6. 15

Duties of the
Council.

28. It shall be the duty of the Council to take measures for the promotion of Agriculture and the useful Arts in the Province in any or all of the following ways, namely: e 20

(1) By holding agricultural meetings and shows of stock implements, farm and horticultural products, machinery, manufactures and other works of art, either by themselves or under joint management with other Associations, whether such other Associations are incorporated under this Act or otherwise. ~~and~~ 25

(2) By aiding exhibition associations in accomplishing the same objects, by the granting of medals, prizes or other awards of merit; 30

(3) By offering prizes for the best-managed farms, farm buildings, dairies, gardens, orchards, or vineyards;

(4) By holding or aiding ploughing matches, and by the testing of agricultural implements and machinery; 35

(5) By encouraging the planting of trees and the study of forestry;

(6) By introducing and testing new varieties of grain, seeds, vegetables, or other agricultural productions;

(7) By introducing or aiding in the introduction of new and improved breeds of animals, either from other countries or provinces, or from one part of the Province into another; 40

(8) By offering premiums for reports on the breeding, rearing and feeding of animals, the management of the dairy, the production of wool, the improvement of agriculture and agricultural machinery and implements, the growth of timber, the adaptability of particular localities for particular branches of agriculture, the erection of farm buildings, fencing, draining, and other subjects relating to Agriculture or the useful Arts; 45

(9) By causing, or aiding in causing, lectures to be delivered on such subjects and at such places as may be deemed in the interest of agriculture.

(10) And generally by adopting every means in their power to promote improvement in Agriculture and the useful Arts in the Province. 45 V. c. 4, s. 8.

29. The Council shall keep a record of their transactions, and may from time to time publish, in such manner and form as to secure the widest circulation among the Agricultural Societies, and among farmers generally, all such reports, essays, lectures, and other useful information as the Council may procure and adjudge suitable for publication. R. S. O. 1877, c. 35, s. 28. Records of transactions, essays, etc.

30. On or before the 1st day of February in each year the Council shall transmit to the Department a report for the preceding calendar year, wherein shall be embraced a record of their transactions, a detailed financial statement verified by the Auditors, a list of all persons to whom prizes have been awarded, either for exhibits at the Provincial Fair or for other objects, such information as they have obtained of progress made during the year in the several departments of the Fair as compared with previous years, and generally such means as have been used and measures taken by the Council under section 28 of this Act to promote improvement in Agriculture and the useful Arts. R. S. O. 1877, c. 35, ss. 29, 31, 33. Annual Report.

31. The corporation of any city or town may enter into an agreement with the Council, binding such corporation to erect buildings necessary for holding the annual exhibition of the Association; and in consideration thereof the Council may select such corporation as the one within whose territorial limits their exhibition shall be held; but in the event of such corporation failing to enter into a binding agreement as aforesaid on or before the first day of May in the year for holding such exhibition, the Council may change the place for holding the same, or may dispense with an exhibition for that year. R. S. O. 1877, c. 35, s. 34; 45 V. c. 4, s. 9. Agreement between corporations of Cities and Towns, and the Council, as to erecting exhibition buildings.

32. The Council shall, on or before the 15th day of December in each year, submit for the approval of the Lieutenant-Governor in Council an estimate of the sums required for the purposes of the Association for the ensuing year, giving in detail in such estimate as far as possible the particular object or objects to which the money is to be applied and the amount required for each. 45 V. c. 4, s. 3. Estimates to be submitted to Lieut.-Gov. in Council.

33. The Council shall, on or before the first day of October in each year fix, the date at which the next annual exhibition shall be held. To fix the date of exhibition.

THE VETERINARY COLLEGE.

34. (1) The Council may establish a Veterinary College for the instruction of pupils, by competent and approved teachers, in the science and practice of the veterinary art, and may pass by-laws and adopt measures for the examination of such pupils Veterinary College.

in Anatomy, Physiology, Materia Medica, Therapeutics, Chemistry, and as to the breeding of domesticated animals; and, upon proof, to the satisfaction of the Council, that such pupils possess the requisite qualifications, may grant diplomas certifying that they are competent to practice as Veterinary Surgeons. 5

Veterinary practitioners.

(2) Veterinary practitioners holding such diplomas shall be entitled to professional fees in attending any Court of Law as witnesses in such cases as relate to the profession; and no person who does not possess a diploma or proper certificate from some duly authorized Veterinary College, within or without this Province, shall append to his name the term Veterinary Surgeon, or any abbreviation thereof. 10

Penalty on wrongfully assuming title of Veterinary Surgeon.

(3) Any person who wilfully and falsely pretends to be, or who wilfully and falsely takes or uses any name, title, addition, abbreviation or description implying or calculated to lead people to infer that he is, or is recognized by law as, a Veterinary Surgeon, within the meaning of the foregoing sub-sections of this section, or that he possesses a diploma or proper certificate from some duly authorized Veterinary College within or without the Province, shall, upon summary conviction before any Justice of the Peace, pay a penalty not exceeding \$100, and not less than \$25. 15 20

Prosecutions.

(4) All prosecutions under this section may be brought and heard before and by any Justice of the Peace having jurisdiction in the locality where the offence is alleged to have been committed, and such Justice shall have power to award payment of costs in addition to the penalty; and, in case the penalty and costs awarded by him are not upon conviction forthwith paid, to commit the offender to the common gaol, there to be imprisoned for any term not exceeding three months, unless the penalty and costs are sooner paid. 25 30

Application of penalties.

(5) All penalties recovered under this section shall be paid to the convicting Justice, and be paid by him to the Treasurer of the Agriculture and Arts Association, and shall thereupon form part of the funds of the said Association, and be accounted for as such. 35

Security to be given on appeals.

(6) Any person convicted under this section who gives notice of appeal against the decision of the convicting Justice shall, before being released from custody, give to the said Justice satisfactory security for the amount of the penalty and costs of conviction and appeal. 40

Any one may prosecute within one year.

(7) The Council or any person may be prosecutor or complainant under this section, and every prosecution thereunder shall be commenced within one year from the date of the alleged offence. R. S. O. 1877, c. 35, s. 27. 45

ELECTORAL DISTRICT AGRICULTURAL SOCIETIES.

Society may be organized in each Electoral District.

35. (1) An Agricultural Society may be organized in each of the Electoral Districts of Ontario in which there is not one already organized, whenever eighty persons have become members thereof by signing a declaration in the form of Schedule B to this Act annexed, and paying each not less than \$1 to the funds of the Society for that year; and a true copy of the said declaration shall, within one month after the money has been so paid, be transmitted to the Commissioner of 50

Agriculture, who shall appoint and authorize a person to call the first meeting for the formation of the Society for the third Wednesday of January next ensuing (of which at least two weeks' notice shall be given by advertisement in a newspaper 5 published in the county or district, and by placard), at which meeting the election of officers, and the election of a representative as provided by section 23 if one is to be elected for that year, shall take place; and upon the receipt of a report of the meeting by the Department, the Society so organized 10 shall be deemed the Electoral District Society, and shall be entitled to receive the Government grant hereinafter provided.

(2) All subsequent annual meetings shall be called and held as provided in section 39 of this Act; and all persons paying each the sum of \$1 (or such other sum, not being more than 15 \$2, as the Directors may by by-law fix) annually to the funds of the Society shall be members thereof. R. S. O. 1877, c. 35, ss. 35 (1), 36.

36. (1) The several District Societies organized at the time of the passing of this Act, or which may hereafter be 20 organized, shall be bodies corporate, with power to acquire and hold land as a site for fairs and exhibitions, or for a school farm, and, subject to the approval of a meeting of the Society called for the purpose, to sell, mortgage, lease, or otherwise dispose of the same, or any other property held by such 25 Societies.

District Societies to be bodies corporate.

(2) At least one week's previous notice of such meeting shall be given by advertisement in a newspaper published in the county or District and by placard; and at such meeting only members of at least two years' standing shall be allowed to 30 vote. R. S. O. 1877, c. 35, s. 37.

37. (1) The objects of the said Societies, and of the Township Societies in connection therewith, shall be to encourage improvement in Agriculture, Horticulture, Manufactures, and the useful Arts:

35 1. By holding meetings for discussion and for hearing lectures on subjects connected with the theory and practice of improved husbandry or other industrial processes;



2. By promoting the circulation of agricultural, horticultural and mechanical periodicals;

40 3. By importing and otherwise procuring seeds, plants and animals of new and valuable kinds;

4. By offering prizes for essays on questions of scientific inquiry relating to Agriculture, Horticulture, Manufactures, and the useful Arts;

45 5. And by awarding premiums for excellence in the raising or introduction of stock, the invention or improvement of agricultural or horticultural implements and machinery, the production of grain and of all kinds of vegetables, plants, flowers and fruits, and generally for excellence in any agricultural or horticultural production or operation, article of 50 manufacture or work of art. R. S. O. 1877, c. 35, s. 38.

- Horticultural societies. (2) The objects of Horticultural Societies shall be the same as *those* of District and Township Agricultural Societies, but in relation to Horticulture and Arts only.] R. S. O. 1877, c. 35, s. 66.
- Application of funds. **38.** The funds of the Societies, howsoever derived, shall not be expended for any objects inconsistent with those above mentioned. R. S. O. 1877, c. 35, s. 39.
- Annual meeting. **39.** The annual meeting of every District Society shall be held on the third Wednesday of January in each year, in a county at one o'clock in the afternoon, and in a city at seven o'clock in the afternoon; and at least two weeks' previous notice of such meeting shall be given by advertisement in a newspaper published in the county or District, and by placard. R. S. O. 1877, c. 35, s. 40.
- Election of officers. **40.** The Society shall at such meeting elect a President, two Vice-Presidents, and not more than nine other Directors, and the officers so elected shall appoint from amongst themselves, or otherwise, a Secretary and a Treasurer (or a Secretary-Treasurer), and the Society shall also elect two Auditors; and a majority of the Board of Directors so elected shall be resident in the District. R. S. O. 1877, c. 35, s. 41; 42 V. c. 10, s. 1.
- Annual report. **41.** (1) The officers of the Society shall present at such meeting a report of their proceedings for the *past* calendar year, in which shall be stated the names of all the members of the Society, the amount paid by each being set opposite to his name, the amount awarded in prizes to each kind of live stock, agricultural products, implements, domestic products or other objects respectively, together with such remarks and suggestions upon the agriculture and horticulture of the District, and the arts and manufactures therein, as they are enabled to offer. R. S. O. 1877, c. 35, s. 45.
- Annual accounts. (2) There shall also be presented a detailed statement of the receipts and disbursements of the Society during the *past* calendar year, and also an analyzed statement in which shall be shown the expenses of management under separate and distinct heads. R. S. O. 1877, c. 35, s. 46.
- Entry of report. **42.** The said report and statement, if approved of by the meeting, shall be entered in the Society's journal, to be kept for such purpose, and signed by the President or Vice-President as being a correct entry; and a true copy of such report, an abstract of the analyzed statement, a list of the officers of the Society elected for the ensuing year with the post-office address of each, and the name of the candidate chosen to represent the Division in the Council if one is to be elected for that year, duly certified by the President or Secretary for the time being, together with the reports of all Township and Horticultural Societies in the District, shall be sent to the Department on or before the first day of February next following. R. S. O. 1877, c. 35, ss. 42, 47, 48.
- Copy of District, Township and Horticultural Societies report to be sent to Department
- Meetings, etc. **43.**—(1) The first meeting of the officers of a Society may be held upon the day of the annual meeting, and the subsequent meetings shall be held pursuant to adjournment, or

be called by written notice given by authority of the President, or in his absence of the senior Vice-President,  or in the absence or on the neglect of the President or Vice-President, then written request of any three of the directors, 
 5 at least one week before the day appointed, and at any meeting five shall be a quorum.

(2) At any meeting called by written notice (in which notice the object of the meeting shall be specified), the officers may Officers may make by-laws, etc. make, alter and repeal by-laws and rules for the regulation of
 10 the Society and the carrying out of its objects. R. S. O. 1877, c. 35, ss. 43, 44.

44. When any Electoral District is divided into two or more Electoral Districts, it shall be necessary to organize a Division of Electoral Districts. new Agricultural Society for each; and any property that
 15 may have been held by the Agricultural Society representing the Electoral District prior to such division, or the value thereof, shall be equitably apportioned or divided by three arbitrators, or a majority of them, one to be appointed by the officers of the Society in each new Electoral District, and
 20 another arbitrator to be chosen by the arbitrators so appointed, or, in the event of the said arbitrators failing to choose such third arbitrator within ten days after being appointed, then the Senior County Judge having jurisdiction in the District shall appoint such third arbitrator; and in cases where new
 25 Electoral Districts have been formed for the purpose of representation in the Legislative Assembly by townships taken from two or more Electoral Districts, then any property, real or personal, which originally belonged to the District Societies of such Electoral Districts before the said
 30 townships were taken therefrom shall in like manner be equitably apportioned between such new Electoral District Society and each of the original Societies of the Electoral Districts out of which such new District has been formed. R. S. O. 1877, c. 35, s. 49. New Electoral Districts.

35 45. The provisions of the sections of this Act applying to Agricultural Societies, with regard to grants and Electoral Act to apply to Electoral Districts to be hereafter formed. Districts, conditions of grants, etc., shall extend to any new Electoral Districts to be hereafter formed in Ontario. R. S. O. 1877, c. 35, s. 50.

40 TOWNSHIP AND HORTICULTURAL SOCIETIES.

46. Fifty or more persons when the number of ratepayers on the last revised assessment roll is two hundred or over, and thirty or more when the number of ratepayers is less than two hundred, may organize themselves into an Agricultural
 45 Society in any township, and into a Horticultural Society in any city, town or incorporated village, by signing a declaration in the form of Schedule B annexed to this Act, and paying each not less than \$1 to the funds of the Society for that year; and all persons thereafter paying each the sum of \$1 (or such
 50 other sum, not being more than \$2, as the Society may by by-law fix) annually to the funds of the Society, shall be members thereof. R. S. O. 1877, c. 35, s. 51, 61. Formation of Township and Horticultural Societies.

47. (1) The declaration shall be written and signed on the Declaration.
 55 first page or pages of a book to be kept by the Society for

Name of Society.	<p>recording the minutes of its proceedings during the first year of its existence, and a copy thereof certified by the President and Secretary shall within one week of the first meeting of the Society be transmitted to the Secretary of the District Society with which such Society is connected; and each Township and Horticultural Society shall be legally known and designated by the name of the <i>municipality</i> in which it exists, and there shall not be more than one Society in any such municipality.</p>	5
Union Societies.	<p>(2) Two or more adjoining townships may unite to form a Township Agricultural Society; and two or more adjacent cities, towns or incorporated villages may unite to form a Horticultural Society; and the Society shall be known by the name of the union of townships or of towns. R. S. O. 1877. c. 35, ss. 51, 53, 62.</p>	10 15
First meeting.	<p>48. The first meeting of a Township or Horticultural Society shall be called by the head of the municipality (or, in case of a union of municipalities, by the heads of said municipalities), at which meeting the election of officers mentioned in section 51 shall take place; and the Society so organized shall be entitled to share in the Government grant as herein-after provided. R. S. O. 1877, c. 35, s. 52.</p>	20
Meetings of officers.	<p>49. Meetings of the officers of a Township or Horticultural Society shall be called and held as provided in section 43 of this Act for meetings of the officers of a District Society; and at such meetings they may make, alter, or repeal by-laws and rules, not being contrary to this Act or to the laws of the Province. <i>fixing the fee for members and</i> prescribing the mode for the election of officers, and otherwise for regulating and administering the affairs and property of the Society and for carrying out its objects.</p>	25
By-laws.		30
Incorporation of Societies.	<p>50. Any Township or Horticultural Society, organized as provided in sections 46, 47 and 48, may at any regular meeting adopt a resolution that the said Society is desirous of being incorporated; and upon filing with the Department of Agriculture the said resolution, and a certificate of the Secretary of the District Society with which such Society is connected that it is the recognized Society of the municipality which it professes to represent, such Society shall thenceforth be and become a body corporate, and may acquire and hold, lease, mortgage and alienate property, real and personal, but only for the purposes of such Society and subject to the provisions of section 55 of this Act; and it shall be the duty of the Secretary of the District Society to sign the certificate above referred to whenever requested to do so. R. S. O. 1877, c. 35, s. 54; 45 V. c. 4, s. 12.</p>	35 40
	<p>(2) Every Township and Horticultural Society incorporated previous to the passing of this Act shall be deemed as duly incorporated.</p>	
Annual meeting.	<p>51. The said Societies shall hold their annual meetings on the second Thursday in January of each year, and shall each elect a President, a Vice-President, <i>and</i> not less than three, nor more than nine other Directors; and the officers so elected shall appoint from amongst themselves or otherwise, a Secretary and</p>	50
Election of officers.		

a Treasurer (or a Secretary-Treasurer), and the said Societies shall also elect two Auditors. R. S. O. 1877, c. 35, s. 55.

52. The said officers shall prepare and present at the annual meeting of the Society a report of their proceedings for the last calendar year, in the same manner as hereinbefore directed for District Societies, and containing information under the same heads (but, in the case of Horticultural Societies, with reference to Horticulture and Arts only), and a true copy thereof, certified by the President or Vice-President, shall be transmitted to the Secretary of the District Society with which such Society is connected in time for the annual meeting thereof in January. R. S. O. 1877, c. 35, ss. 56, 66. Annual report.

53. (1) In cases where part of a township is in one Electoral District and part in another, the Township Society shall transmit a copy of its annual report to the Secretary of each such District Society, as provided for in the preceding section; and such Township Society shall also send to the respective Treasurers of the said District Societies a list of the subscriptions of its members, attested as in other cases provided for by section 58 of this Act; and, based on such returns, shall receive from each of such District Societies its share of all legislative and other public grants, but in the proportion of fifty per cent. only of such returns, as compared with the returns of other townships in the respective Districts. Report where township is divided.

(2) In the case of a union of townships to form one Township Society, or of any adjacent cities, towns or villages to form a Horticultural Society, where one is in one District, and the other in another District, then such Union Society shall report to and do and be dealt with in all respects in the same manner as is herein provided for in the case of a township partly situated in one and partly in another District. R. S. O. 1877, c. 35, s. 57. Report of union Society.

54. Where two or more municipalities have united to form a Township or a Horticultural Society, a majority of such of the members of the Society as reside in any one of the municipalities comprising the Union may, by writing signed by such majority and addressed to the officers of the united Society, express their desire to separate, and may thereupon organize a new Society for such municipality in the manner provided by sections 46 and 47, and the former united Society shall thereupon become dissolved and cease to exist; and the assets of the Union Society shall be divided in the manner provided by section 44 in regard to the assets of separating Electoral District Societies. R. S. O. 1877, c. 35, s. 58. Dissolution of union township Societies.

55. Any Township or Horticultural Society holding land or buildings for the purpose of Agricultural Fairs or Exhibitions may, subject to the approval of a meeting of the Society called for the purpose (at which meeting only members of at least two years' standing shall be allowed to vote), sell, mortgage, lease, or otherwise dispose of the same. R. S. O. 1877, c. 35, s. 59. Power to sell lands.

Powers as to
lands.

56. Any Township Society and Town or Village Municipality that had, prior to the 4th day of March, 1868, jointly purchased and held any lands or buildings for the purpose of Agricultural Fairs or Exhibitions, may continue jointly to hold such lands or buildings, or may sell, mortgage, lease or otherwise dispose of the same, subject to the approval of a meeting of the Society as provided in the foregoing section. R. S. O. 1877, c. 35, s. 60. 5

LEGISLATIVE GRANTS.

Grants to
District So-
cieties, and
conditions
thereof.

57.—(1) An Electoral District Society, so long as the number of its *bona fide* members is not less than eighty, having forwarded to the Commissioner a copy of its report and statements for the year then last past, as required by section 42, and transmitting to the Commissioner on or before the 1st day of September in each year an affidavit (which may be in the form of Schedule C annexed to this Act, and may be sworn to before any Justice of the Peace), stating the amount subscribed for that year and paid to the Treasurer of the District Society by the members thereof, together with the amounts returned to the said Treasurer of the District Society by the several Horticultural and Township Agricultural Societies of the said District, as provided in section 58 of this Act, shall be entitled (subject to the limitations hereinafter mentioned) to receive a sum, to be paid out of any unappropriated moneys in the hands of the Treasurer of the Province, equal to three times the whole amount certified by the said affidavit of the Treasurer of such Electoral District Society; but the whole amount to any District Society shall not exceed \$700 in any year, and no grant shall be made unless the amount so certified by the affidavit of the said Treasurer is \$130 or upwards. 10 15 20 25 30

Proviso.

Proviso.

(2) The City of Toronto (which for the purposes of this Act is constituted one Electoral District) shall not receive more than \$550 in any year; and the Districts of the City of Kingston, the City of Hamilton, the City of London, the City of Ottawa, the Town and Township of Cornwall, and the Town and Township of Niagara shall not receive more than \$350 respectively, in any year. R. S. O. 1877, c. 35, s. 67. 35

Share of grant
to Township
and Horticul-
tural Societies
and conditions
thereof.

58. (1) Every Township or Horticultural Society connected with a District Society, having made a report of its proceedings as required by section 52, and transmitted to the Treasurer of the District Society on or before the 1st day of August in each year a list of the members of the Society and the amount subscribed and paid by each for the year, attested by an affidavit of its Treasurer (which affidavit may be in the form of Schedule D), but no subscription by a member for a greater amount than two dollars shall be considered as a basis of division, or included in the affidavit made by the Treasurer, and so long as the number of its *bona fide* members is not less than the number required for organization, shall be entitled to a share of the grant made to the District Society in proportion to the amount subscribed and paid by the members of other Township and Horticultural Societies of the District; and the Treasurer of the District Society shall pay over to such Township or Horticultural 40 45 50 55

Society its share of the public grant as soon as the said grant is received by him. R. S. O. 1877, c. 35, s. 68.

(2) The declaration mentioned in sections 46 and 47 of this Act shall be deemed a sufficient report in the first year in which any Township or Horticultural Society has been organized. R. S. O. 1877, c. 35, s. 69 (2). Proviso.

59. Three-fifths of the grant received by an Electoral District Society shall be subject to division among the Township and Horticultural Societies connected therewith; but no Society shall thus receive more than three times the amount returned by it as subscribed and paid by its members, nor more than one-fifth of the entire grant to the District Society; and any balance of the three-fifths not appropriated under this distribution shall remain to the District Society. R. S. O. 1877, c. 35, s. 69 (1, 2). Proviso.

60. In the case of a Township Society in one of the outlying parts of the Province not connected with a District Society, or of any Township Society whose circumstances may be regarded as special, the necessary report and statement shall be transmitted to the Commissioner; but no grant shall be made to such Society unless the amount certified in the affidavit as subscribed and paid by members is \$30 or upwards, nor shall the grant exceed three times the amount of the local subscription. Special grants.

61. Nothing in this Act contained shall be construed as admitting any member of a Township Society, in virtue of his subscription thereto and without further subscription to the Electoral District Society, to any of the privileges of a member of such Electoral District Society, except where the Electoral District Exhibition is held within the limits of a township, as mentioned in section 64 of this Act. R. S. O. 1877, c. 35, s. 70. Proviso.

EXHIBITIONS.

62.—(1) The exhibition of the Electoral District Society shall be held wherever the majority of the officers, or of a quorum thereof, think fit, giving due and public notice thereof, within the limits of the District, or of any adjoining District or township with the Society of which they may unite their funds as hereinafter mentioned. Where Exhibitions of District Society held.

(2) Whenever the officers of any District or Township Society have by by-law or resolution fixed upon a place or places for holding the exhibition or exhibitions of such Society for any year or years, then the place or places for holding such exhibition or exhibitions shall not be changed except by the vote of a majority of the members of such Society of at least two years' standing, present at a special meeting called by the officers of such Society for the purpose of considering the proposed change; and at least two weeks' previous notice of such meeting shall be given by advertisement in a newspaper published in the county or District, and by placard.

(3) Such meeting shall be at the hour of nine o'clock in the forenoon; and if a poll is demanded the same shall be opened at one o'clock in the afternoon and closed at six o'clock in the

afternoon, after which time no votes shall be taken; and the presiding officer shall thereupon declare the result of the poll. R. S. O. 1877, c. 35, s. 71.

Union of District and Township Societies.

63. Any two or more Electoral District Societies, or a District Society and any recognized Township or Horticultural Society or Societies, or any two or more such Township or Horticultural Societies, or the Society of a City Electoral District and any Township or Horticultural Society or Societies adjoining such City Electoral District, may, by agreement between the officers or a majority of the officers of each such Society, unite their funds or any portion thereof for the erection of suitable buildings in which to exhibit articles of produce or manufacture, or works of art, and for annual or extra exhibitions, or for ploughing matches, or for any other purpose likely to promote Agriculture, Horticulture, Arts and Manufactures, and may acquire by purchase or lease, and hold, sufficient land for this purpose from time to time, and may, subject to the approval of a meeting of the Society called for the purpose, at which meeting only members of at least two years' standing shall be allowed to vote, sell, mortgage, lease or otherwise dispose of the same. R. S. O. 1877, c. 35, s. 72.

Township Societies Exhibition.

64. The exhibitions of any Township Agricultural Society shall be held at such place as shall afford sufficient accommodation for such exhibitions; but no separate Township Agricultural Exhibition shall be held within five miles of the place at which the Electoral District Exhibition is held for any year in the same township; but a Township Agricultural Society may unite with the District Society, and may merge its funds with those of the District Society for that year, and if so merged the members of such Township Society shall be entitled to all the privileges of members of the District Society at the exhibition, and the President, Vice-President and Directors of such Township Society shall be co-Directors with the Directors of the District Society for the conducting and management of such exhibitions. R. S. O. c. 35, s. 73.

(2) But where a Township Society unites with a District Society other than the District Society within the limits of which the township is situated, the Township Society shall only be entitled to share in the distribution of the three-fifths of the Government grant upon the amount of members, subscriptions paid by members resident within the township, and the Secretary of the Township Society in his returns to the Treasurer shall distinguish the members so resident from other members.

OTHER ASSOCIATIONS.

Fruit Growers' Association, Entomological Society, Dairymen's Associations, etc.

65.—(1) [The Associations now existing, and known as "The Fruit Growers' Association of Ontario," "The Entomological Society of Ontario," "The Dairymen's Association of Eastern Ontario," "The Dairymen's Association of Western Ontario," and "The Poultry Association of Ontario," shall each continue to be a body corporate, to comprise not less than fifty members, and may each make by-laws and regulations for the Association's guidance and proper management, not being contrary to the

provisions of this Act or the general laws of the Province.
R. S. O. 1877, c. 35, ss. 89, 94, 98; 42 V. c. 11, ss. 1-5.

(2) The Associations now existing, and known as "The Bee-keepers' Association of Ontario" and *The Ontario Creamery Association*, *are* hereby declared to be bodies corporate, to comprise not less than fifty members each, and may each make by-laws and regulations for the Association's guidance and management, subject to the provisions of the foregoing subsection.

- 10 **66.** Each of such Associations, so long as the number of Annual
its *bona fide* members is not less than fifty (each paying grants.
an annual subscription of not less than \$1), and so long as it
complies with the provisions of this Act, shall be entitled to
receive from unappropriated moneys in the hands of the
15 Treasurer of the Province a specified sum to be placed in
the estimates *and voted by the Legislature* for each year; pro- Proviso.
vided that the Secretary of each of the said Associations shall,
on or before the 1st day of September in each year, transmit
to the Commissioner of Agriculture an affidavit, which may be
20 sworn to before any Justice of the Peace, stating the number
of members who have paid their subscriptions for the current
year, and the total amount of such subscriptions. R. S. O.
1877, c. 35, ss. 90, 95, 99; 42 V. c. 11, s. 10.

- 67.**—(1) Each of such Associations shall hold an annual meet- Annual
ing at such time and place as may be determined upon; and meeting.
each Association shall at such annual meeting elect a President
and two Vice-Presidents, and shall also elect one Director from
each of the Agricultural Divisions included in such Associa- Election of
tion's limits; and the officers and Directors so elected shall officers.
30 *appoint* from among themselves, or otherwise, a Secretary and a
Treasurer (or a Secretary-Treasurer); and each Association shall
elect two Auditors. R. S. O. 1877, c. 35, ss. 91, 96, 101; 45
V. c. 11, s. 7.

- (2) The officers shall have full power to act for and on Powers of
35 behalf of the Association, and all grants of money and other officers.
funds of the Association shall be received and expended under
their direction, subject, nevertheless, to the by-laws and regula-
tions of the Association. R. S. O. 1877, c. 35, s. 92.

- 68.** At each annual meeting the retiring officers shall pre- Report to
40 sent a full report of their proceedings, and of the proceedings Commissioner.
of the Association, and a detailed statement of its receipts and
expenditure for the previous year, duly audited by the
Auditors; and a copy of said report, a statement of re-
ceipts and expenditure, and a list of the officers elected, and also
45 such general information on matters of special interest to each
Association that such Association may have been able to obtain,
shall be sent to the Commissioner within forty days after the
holding of such annual meeting. R. S. O. 1877, c. 35, ss. 91,
96, 102; 42 V. c. 11, s. 8.

- 69.** The Dairymen's Association of Eastern Ontario, The
45 Dairymen's Association of Western Ontario and the Poultry
Association of Ontario shall each hold an annual exhibition,
at such time and place as each of the said Associations shall at
its annual meeting appoint, or may hold its exhibition in
conjunction with any other Agricultural Association, whether

such other Association is incorporated or organized under this Act or otherwise. R. S. O. 1877, c. 35, s. 103; 42 V. c. 11, s. 6.

GENERAL PROVISIONS OF THE ACT.

Right of
voting.

70. All persons not under eighteen years of age who have paid the membership subscription for the year then next ensuing to any Society organized under this Act shall have the right of voting at the election of officers (including in the case of an Electoral District Society the election of a representative of an Agricultural Division in the Council of the Agriculture and Arts Association if one is to be chosen that year), and on all other questions submitted to the annual meetings of such Societies. R. S. O. 1877, c. 35, s. 105.

Payment of
subscriptions
after poll
opened not to
entitle to vote.

71. No membership subscriptions for the ensuing year paid after the President or presiding officer has declared the poll open for the election of officers shall entitle any member to vote for such officers, or shall render him eligible for election as an officer, nor, except in the case of the City and Town Electoral District and Horticultural Societies, shall any votes be received earlier than one o'clock in the afternoon nor later than six o'clock in the afternoon of the same day. R. S. O. 1877, c. 35, s. 106.

Vacancies.

72. Except as otherwise provided, a vacancy occurring by the death or resignation of any officer of an Agricultural or other Society organized under this Act may be filled by the remaining officers thereof; and it shall be the duty of such officers, and they are hereby empowered, to nominate and appoint a fit and proper person to fill the office for the unexpired term of the person so dying or resigning; but in the event of the remaining officers being insufficient to form a quorum, or if for any reason a quorum cannot be obtained, then persons to fill the vacant offices shall be elected in manner provided in the next section. R. S. O. 1877, c. 35, s. 107.

Where elec-
tion illegal
and void.

73. In the event of an election of any officers of any Association, Council, Society or other body coming within the provisions of this Act not being held at the time or place herein directed, or being for any reason illegal and void, then the persons in office at the time when such election should have been legally held shall continue to be, and shall be deemed to be, the officers of such Association, Council, Society or body until their successors are legally appointed, and, in the event of any such non-election, or illegal election, a special meeting of the members of such Association, Council, Society or other body shall be called as soon as practicable for the election of such officers; such meeting to be called (in the manner provided in section 39 in the case of the annual meeting of an Electoral District Society) by the President, or in his absence or on his neglect by the Vice-President, or in the absence or on the neglect of the President and Vice-President, then by any three members of the Association, Council, Society or other body; and at such meeting the election of officers shall take place, and the persons elected shall thenceforth, until their successors are appointed, be and be deemed to be the officers of such Association, Council, Society or body. R. S. O. 1877, c. 35, s. 108.

(2) A special meeting of the Directors of any Association, Council or Society organized under this Act may be called by the President thereof, or in his absence or on his neglect by the Vice-President, or in the absence or on the neglect of the President and Vice-President, then by any three members of such body, of which meeting at least seven days' notice shall be given to each member; and, except as otherwise provided for, a majority of the Directors of any such body shall be a quorum.

74. The majority of the officers of Electoral District and Township Agricultural Societies and of Horticultural Societies shall be residents of the Electoral District or municipality which such Society represents; but the membership of any such Society may extend to other Electoral Districts or municipalities. R. S. O. 1877, c. 35, s. 109.

Majority of officers to be residents.

75. Every delegate from a Society to any Association or Council of an Association under this Act, whether he be such by virtue of his office or has been appointed thereto by special resolution, shall at the annual (or first) meeting of such Association or Council for that year furnish a certificate, signed by the President and Secretary and sealed with the seal of the Society he professes to represent, showing that he has been duly appointed a delegate of such Society; and such certificate may be in the form of Schedule E to this Act annexed. R. S. O. 1877, c. 35, s. 110.

Delegates to furnish certificates.

76. The Lieutenant-Governor shall issue his warrant in favour of the Agricultural and other Societies entitled to grants under this Act to the amount of the whole appropriation required, as certified by the Commissioner of Agriculture; and the Commissioner shall cause to be paid over to the Electoral District and other Societies the public grants to which they are respectively entitled. R. S. O. 1877, c. 35, s. 111.

Commissioner to pay grants.

77. [The Treasurer of every Society or Association organized under this Act before entering upon the duties of his office shall give such security, either by joint or several covenant with one or more sureties which may be in the form given in schedule F to this Act or otherwise, as the Board of Directors or other managing officers may deem necessary for the faithful performance of his duties, and especially for duly accounting for and paying over all moneys which may come into his hands; and it shall be the duty of every such Board in each and every year to inquire into the sufficiency of the security given by such Treasurer and report thereon; and where the same Treasurer is reappointed from year to year his reappointment shall not be considered as a new term of office, but as a continuation of the former appointment, and any bond or security given to the Society for the faithful performance of his duties shall continue valid as against the parties thereto under such reappointment.]

Treasurer of a society to give security.

78. The Council or Board of Directors of any Association or Society organized under this Act, on being made aware of any fraud having been committed by any member or exhibitor in the entry of any stock or goods in competition for prizes at any Exhibition, shall have the power of withholding the payment of any prizes that may have been awarded by the judges

Frauds at Exhibitions.

to such members or exhibitors on such fraudulent or any other entries made at any such Exhibition. R. S. O. 1877, c. 35, s. 104.

Society may purchase land for school farm.

79.—(1) Any Electoral District or incorporated Township Society, or the Municipal Council of any County or Township in Ontario, may purchase and hold land for the purpose of establishing a School Farm, to instruct pupils in the science and practice of Agriculture; and any such Society and any Municipal Council may purchase and hold such School Farm conjointly or otherwise, and may, conjointly or otherwise, make all necessary rules and regulations for the management thereof; and may sell, mortgage, lease or otherwise dispose of the same.

Proviso.

(2) Not more than two hundred acres of land shall be so held by any such Society or Council, whether conjointly or otherwise. R. S. O. 1877, c. 35, s. 112.

80. A member of at least two years standing, where referred to in this Act, shall mean a member who has paid his membership subscription and has been entered as a member on the books of the Society for the two preceding years.

MUNICIPAL AID TO AGRICULTURAL AND OTHER SOCIETIES. 20

Municipalities may grant land or money in aid of purposes of this Act.

81. The Municipal Council of any City, Town, Village, County or Township in this Province may grant money or land in aid of the Agriculture and Arts Association, or of any duly organized Agricultural or Horticultural Society coming within the provisions of this Act, being within the limits of the municipality, or within any adjoining municipality; and any such grants heretofore made shall be held to be and to have been legally made. R. S. O. 1877, c. 35, s. 113. *See also Rev. Stat. c. 174, s. 454 (4).*

Agreements between municipalities and other societies for the use of buildings, etc.

(2) Any of the said municipalities owning lands or buildings for public purposes shall have power to make agreements on such terms and for such periods as they may deem expedient with any company now formed, or hereafter to be formed, under the provisions of chapter 155 of the Revised Statutes of Ontario, or of any amendment thereto, or with any Agricultural or Horticultural Association, for the use of such lands or buildings, or either of them, or for the privilege of erecting on said lands (subject to such terms as may be agreed on) such buildings as they may require for Agricultural or Industrial shows, and to give said companies the power of renting said grounds and buildings when owned by said company to any Agricultural or Horticultural Association formed under this Act or any amendment thereto, to and for the purposes of the annual show or shows of said Association, and to grant to such company or Association the power to collect during said show, or at other times, as may be agreed from any person wishing to go into or upon any such grounds or buildings, or for any privileges thereon, or for any waggon, carriage or other vehicle, or for any horse or other animal which may be taken thereon, such entrance fee or other charge as the said Company or Association may deem necessary or expedient.

KEEPING THE PEACE AT EXHIBITIONS.

• **82.** Any Justice of the Peace having jurisdiction in any City, Town, Village or Township, wherein a Fair or Exhibition may be held shall, on the request of the Council of the Agriculture and Arts Association, or of the President or Executive Committee of any Agricultural or Horticultural Society, appoint as many policemen or constables as may be required at the expense of the said Association or of such Society, said policemen or constables to be named by such Association or Society, whose duty it shall be to protect the property of such Association or Society within the Exhibition grounds, and to eject all persons who may be improperly within the grounds, or who may behave in a disorderly manner, or otherwise violate any of the rules or regulations of such Association or Society. R. S. O. 1877, c. 35, s. 114.

Justices of the Peace may appoint policemen, etc.

83. If any person wilfully hinders or obstructs the officers or servants of the Agriculture and Arts Association or of any Agricultural or Horticultural Society in the execution of their duty, or gains admission to the said grounds contrary to the rules of such Association or Society, he shall be liable to a fine of not less than \$1 nor more than \$20; such fine to be enforced and collected as fines are usually collected, and to be paid over to such Association or Society for its use and benefit; and in default of payment the said offender shall be imprisoned in the common gaol for a period of not more than thirty days. R. S. O. 1877, c. 35, s. 115.

Penalty for obstructing officers or gaining admission contrary to rules.

84. The officers of any such Association or Society may by their rules and regulations prohibit and prevent all kinds of gambling, theatrical, circus or mountebank performances, exhibitions or shows, and also regulate or prevent the huckstering or trafficking in fruits, goods, wares or merchandise on the Exhibition grounds, or within 300 yards thereof; and any person who, after due notice of such rules and regulations, violates the same shall be liable to be removed by the officers, policemen or constables of said Association or Society, and be subject to the penalty prescribed by the next preceding section. R. S. O. 1877, c. 35, s. 116.

Gambling, etc., to be prevented.

Penalty.

85.—(1) It shall not be lawful to carry on any horse-racing during the days appointed for holding any Exhibition by the Agriculture and Arts Association, or by any Electoral District Society, within five miles of the place of holding the same.

Horse racing prohibited during exhibitions.

(2) Any person who is guilty of a violation of this section shall be liable, upon summary conviction before a Justice of the Peace, to a fine not exceeding \$50, or imprisonment in the common gaol of the County for a period not exceeding thirty days. R. S. O. 1877, c. 35, s. 117.

Penalty.

86. The Revised Statutes of Ontario, chapter 35, 1877, being *An Act for the encouragement of Agriculture, Horticulture, Arts and Manufactures*, and all other Acts amending the said Act or declared to be part thereof, or inconsistent with the provisions of this Act, are hereby repealed.

SCHEDULE A.

(Section 20.)

AGRICULTURAL DIVISIONS.

1. Stormont, Dundas, Glengarry, Prescott and Cornwall.
2. [Lanark North, Lanark South, Renfrew North, Renfrew South, Carleton, Russell, and the City of Ottawa.]
3. Frontenac, City of Kingston, [Leeds and Grenville North, Leeds South, Grenville South,] and Brockville.
4. [Hastings East, Hastings North, Hastings West, Addington, Lennox and Prince Edward.]
5. [Durham East, Durham West, Northumberland East, Northumberland West, Peterborough East, Peterborough West, Victoria North (including Haliburton), and Victoria South.]
6. [York East, York North, York West, Ontario North, Ontario South], Peel, Cardwell, and City of Toronto.
7. [Wellington Centre, Wellington South, Wellington West, Waterloo North, Waterloo South, Wentworth North, Wentworth South], Dufferin, Halton and City of Hamilton.
8. Lincoln, [Niagara], Welland, Haldimand and Monck.
9. [Elgin East, Elgin West, Brant North, Brant South, Oxford North, Oxford South, Norfolk North and Norfolk South.]
10. [Huron East, Huron South, Huron West, Bruce North, Bruce South, Grey East, Grey North and Grey South.]
11. [Perth North, Perth South, Middlesex East, Middlesex North, Middlesex West and City of London.]
12. [Essex North, Essex South, Kent East, Kent West, Lambton East and Lambton West.]
13. [Algoma East, Algoma West, Simcoe East, Simcoe South, Simcoe West], Muskoka and Parry Sound.

R. S. O. 1877, c. 35, Sched. A.

SCHEDULE B.

(Sections 35 and 46.)

DECLARATION OF ASSOCIATION.

We, whose names are subscribed hereto, agree to form ourselves into a Society, under the provisions of *The Agriculture and Arts Act*, to be called the Electoral District (or Township), Agricultural (or Horticultural) Society of the Electoral District (or Township or City or Town or incorporated Village) of _____; and we hereby severally agree to pay to the Treasurer the sums opposite our respective names; and we further agree to conform to the By-laws and Rules of the said Society.

NAMES.	\$	CTS.

R. S. O. 1877, c. 35, Sched. B.

(Section 57.)

COUNTY OF _____ }
To Wit : }

Sworn before me this
day of _____, A. D. 18 _____ }
C. D., } A. B.
Justice of the Peace for the County of _____

R. S. O. 1877, c. 35, Sched. C.

(Section 58.)

COUNTY OF _____ }
To Wit :

Sworn before me this
day of _____, A.D. 18
C. D., _____ A. B.
Justice of the Peace for the County of _____

R. S. O. 1877, c. 35, Sched. D.

(Section 75.)

We, the President and Secretary of the Electoral District Agricultural Society (or Horticultural Society, or other Society, as the case may be) of the Electoral District (City or Town or incorporated village) of _____, hereby certify that _____, President, (or other _____)

officer, as the case may be of the said Society, has been duly appointed by the said Society to represent it at the approaching Annual *(or other)* Meeting of the Agricultural and Arts *(or other)* Association of Ontario, at _____, in the County of _____, on the _____ day of _____ next.

Dated this _____ day of _____, A.D. 18.

President.

[L.S.]

Secretary.

R. S. O. 1877, c. 35, Sched. F'

~~FORM~~ FORM F.

(Section 77.)

Know all men by these presents that we A. B., Treasurer of the _____ Society *(or Association)* of the _____ of _____ in the County of _____ Esquire and C. D. of the _____ of _____ in the County of _____ Gentleman *(if more than one surety is required, insert here the names of the others in like manner)* do hereby jointly and severally, for ourselves and for each of our heirs executors and administrators, covenant and promise that the said A. B. as Treasurer of the _____ Society *(or Association)* shall well and truly account for and pay over to the _____ Society *(or Association)* or the person or persons entitled to the same, all moneys which he shall receive by virtue of his said office of Treasurer, and that he will faithfully perform the duties of his said office.

Nevertheless it is hereby declared that no greater sum shall be recovered under this covenant against the several parties hereto than as follows: that is to say against the said A. B. in the whole \$ _____ *(the amount fixed by the Board of Directors)* against the said C. D. \$ _____ *(the amount fixed by the Board of Directors)* *(if more sureties were required by the Board, here add the names and amounts in like manner.)*

In witness whereof we have to these presents set our hands and seals this _____ day of _____, A.D. 18.

A. B. (L. S.)

C. D. (L. S.)

Signed, Sealed, and delivered in presence of _____ }

E. F. ~~_____~~

3426

40151

No. 127.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to Consolidate and Amend the
Agriculture and Arts Act.

First Reading, 2nd March, 1886.
Second " 11th " 1886.

Mr. ROSS,
(*Middlesex.*)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to further amend The Consolidated Municipal Act, 1883.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 570 of *The Consolidated Municipal Act, 1883*, ^{46 V. c. 18, s. 570, amended.} is hereby amended by adding thereto the following as sub-sections 17 and 18 thereof :—

(17) Where any obstruction within the meaning of the provisions of this section, is wholly situate or existing beyond the limits of the municipality, the same shall for all purposes, and with respect to every provision of this Act, be deemed and taken to be an obstruction, situate and existing partly within and partly without the limits of the municipality, and as if the proposed work or operations in connection therewith, or with the removal thereof, were to be done and performed in part within the limits of the municipality, and in part to be continued and extended beyond such limits, and all the provisions of this Act, shall be held and deemed to apply and operate accordingly.

(18) Where any such obstruction is occasioned by a dam or other artificial structure, the council shall be deemed to have full power to acquire, with the consent of the owner thereof, and upon payment of such purchase money as may be mutually agreed upon, the right and title to remove the same, wholly or in part ; and any amount so paid or payable as purchase money, shall be deemed part of the cost of the works, under this section in connection with the removal of such obstruction, and shall be dealt with and provided for accordingly.

No. 128.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to further amend the Consolidated
Municipal Act, 1883.

First Reading, 2nd March, 1886.

Mr. FRASER.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to further amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. This Act may be cited as *The Municipal Amendment Act*, 1886. Short title.

2. Section 73 of *The Consolidated Municipal Act*, 1883, as amended by *The Municipal Amendment Act*, 1885, is hereby repealed and the following substituted therefor: 46 V. c. 18, s. 73; 48 V. c. 38, s. 4, repealed.

73. No person shall be qualified to be elected a mayor, alderman, reeve, deputy-reeve or councillor of any municipality unless such person resides within the municipality, or within two miles thereof, and is a natural born or naturalized subject of Her Majesty, and a male of the full age of twenty-one years, and is not disqualified under this Act, and who has, or whose wife has, at the time of the election, as proprietor or tenant, a legal or equitable freehold or leasehold, or partly freehold and partly leasehold, or partly legal and partly equitable, rated in his own name, or in the name of his wife, on the last revised assessment roll of the municipality, to, at least, the value following, over and above all charges, liens and encumbrances affecting the same: Qualification of mayors, aldermen, etc.

(1). In incorporated villages—Freehold to \$400, or leasehold to \$800 ;

(2). In towns—Freehold to \$800, or leasehold to \$1,600 ;

(3). In cities—Freehold to \$1,500, or leasehold to \$3,000 ;

(4). In townships—Freehold to \$400, or leasehold to \$800 ;

And so in the same proportions in all municipalities, in case the property is partly freehold and partly leasehold ;

But, if within any township or incorporated village, any such person is at the time of election in actual occupation of any such freehold rated in his own name on the last revised assessment roll of said township or incorporated village, he will be entitled to be elected as reeve, deputy-reeve or councillor of said township or incorporated village, if the value of which such freehold is actually rated in said assessment roll, amounts to not less than \$2,000, and for this purpose the said value shall not be affected or reduced by any lien, encumbrance or charge existing on or affecting such freehold.

3. Section 246 of *The Consolidated Municipal Act*, 1883, is hereby repealed and the following substituted therefor: 46 V. c. 18, s. 246, repealed.

Clerk to trans-
mit a yearly
return of
ratepayers.

246. The clerk of every city, town, incorporated village and township shall, on or before the thirty-first day of December, in each year, under a penalty of \$20, to be paid to the Treasurer of Ontario, in case of default, transmit to the Treasurer of Ontario a true return of the number of resident ratepayers appearing on the last revised assessment roll of the municipality, and shall accompany such return with an affidavit of the correctness of the same, made before a Justice of the Peace, verifying the same according to information and belief in the following form :

I, A. B., Clerk of the municipality of the city, town, township or village (*as the case may be*), make oath, and say, that to the best of my information and belief, the above written or annexed (*as the case may be*), return contains a true statement of the number of resident ratepayers appearing upon the last revised assessment roll of the said city, town, township or village, made in the year one thousand eight hundred and

Signed,

Sworn before me, etc.

A. B.

46 V. c. 18, s.
272, amended.

4. Sub-section 2 of section 272 of *The Consolidated Municipal Act*, 1883, is hereby amended by omitting from the declaration lastly therein contained the words "not less than \$4,000," and inserting instead thereof the words "not less than \$2,000."

46 V. c. 18, s.
294, amended.

5. Section 294 of *The Consolidated Municipal Act*, 1883, is hereby amended by striking out sub-section 3 thereof, and substituting the following therefor :

(3) Appended to such copy so published and posted shall be a notice signed by the clerk of the council, stating that such copy is a true copy of a proposed by-law which has been taken into consideration, and which will be finally passed by the council in the event of the assent of the electors being obtained thereto, after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held.

46 V. c. 18, s.
329, amended.

6. Section 329 of *The Consolidated Municipal Act*, 1883, is hereby amended by omitting therefrom the words "which submitted the same."

46 V. c. 18, s.
346, amended.

7. Section 346 of *The Consolidated Municipal Act*, 1883, is hereby amended by adding thereto the following as sub-section 3 thereof :

(3) And provided always that the council of any town heretofore or hereafter withdrawn from the county, and continuing so withdrawn pursuant to the provisions hereof, or of any city heretofore or hereafter erected, may, by by-law or by-laws passed at any meeting of such council, without submitting the same for the assent of the electors of such town or city as the case may be, raise such sum or sums of money as may be required to liquidate their share of the county debt as awarded or agreed upon pursuant to this Act, and to issue debentures for that purpose at such rates, for such times and upon such terms as they may theretofore have done or be entitled to for meeting any other liability of said town or city as the case may be.

8. Section 351 of *The Consolidated Municipal Act*, 1883, is hereby amended by adding after the word "works," in the fifth line thereof, the following, "or of any right to collect tolls on any such road or bridge, or for the the making any such road or bridge wholly or partly free from tolls."

9. Section 437 of *The Consolidated Municipal Act*, 1883, is hereby repealed, and the following substituted therefor :

437.—(1.) The Board of Commissioners of Police shall, in cities license and regulate second-hand stores and junk stores and shall, also in cities, regulate and license the owners of livery stables, and of horses, cabs, carriages, carts, trucks, sleighs, omnibuses and other vehicles used for hire, and shall establish the rates of fare to be taken by the owners or drivers of such vehicles, for the conveyance of goods or passengers, either wholly within the limits of the city, or from any point within the city to any other point not more than three miles beyond said limits, and may provide for enforcing payment of such rates, and for such purposes shall pass by-laws and enforce the same in the manner, and to the extent in which any by-law to be passed under the authority of this Act may be enforced ;

(2) The council of any city in which there is no Board of Commissioners of Police, shall have and may exercise by by-law all the powers conferred upon the Board of Commissioners by this section.

10. Section 473 of *The Consolidated Municipal Act*, 1883, is hereby amended by adding thereto the following as sub-section 2 thereof :

(2). In case of arbitration under the preceding provisions of this section, in determinining the compensation to be paid for the care and maintenance of prisoners confined in the gaol, the arbitrators shall, so far as they deem the same just and reasonable, take into consideration the original cost of the site and erection of the gaol buildings, and of repairs and insurance, so far as the same may have been borne or sustained by one or other of the municipalities and shall also take into consideration the cost of maintaining and supporting the prisoners, as well as the salaries of all officers and servants connected therewith.

11. Section 480 of *The Consolidated Municipal Act*, 1883, is hereby amended by adding thereto the following, as sub-section 2 thereof.

(2) The Judge of the County Court, holding such investigation, shall be entitled to receive, and shall be paid by the municipality requesting him to hold the investigation, the same fees which he would be entitled to receive for the services, if the matter had been referred to him as a referee under the provisions of *The Judicature Act*, and this enactment shall apply to pending investigations.

12. Sub-section 22 of section 490 of *The Consolidated Municipal Act*, 1883, is hereby amended by adding after the word "showmen," in the third line thereof, the words "and for regulating and licensing roller skating rinks and other places of like amusement."

46 V. c. 18, s. 503, sub-sec. 9, amended. **13.** Sub-section 9 of section 503 of *The Consolidated Municipal Act*, 1883, is hereby amended by omitting from the first line of the said sub-section the words "mode of."

46 V. c. 18, s. 521, amended. **14.** Section 521 of *The Consolidated Municipal Act*, 1883- as amended by *The Municipal Amendment Act*, 1885, is hereby amended by adding thereto the following as sub-section 13 thereof: 5

(13.) For regulating the erection or continuance within the township of slaughter houses or other manufactures or trades which may prove to be nuisances. 10

46 V. c. 18, s. 532, amended. **15.** Section 532 of *The Consolidated Municipal Act*, 1883, is hereby amended by adding thereto the words following:

"And over all bridges crossing rivers or streams over 100 feet in width within the limits of any town not separated from the county, and connecting any main highway leading through the 15 county."

46 V. c. 18, s. 544, amended. **16.** Section 544 of *The Consolidated Municipal Act*, 1883, is hereby amended by adding thereto the following as sub-section 2 thereof:

(2). If the compensation offered by the council, to the owner 20 of the lands, or the road provided for the owner in lieu of the original road, as a means of egress and ingress, is not mutually agreed upon between the council and the owner or owners, (as the case may be), then in such case, the matters in dispute shall be referred to arbitration, under the provisions of this Act re- 25 specting arbitration.

46 V. c. 18, s. 565, sub-sec. 2, amended. **17.** Sub-section 2 of section 565 of *The Consolidated Municipal Act*, 1883, is hereby amended by adding thereto the words following:

"The foregoing provisions of this sub-section shall also be 30 held as including and applying to any bridge crossing a river or stream over 100 feet in width within the limits of any town not separated from the county and connecting any main highway leading through the county."

46 V. c. 18, s. 565, amended. **18.** Section 565 of *The Consolidated Municipal Act*, 1883, 35 as amended by section 24 of *The Municipal Amendment Act*, 1885, is hereby further amended by adding to sub-section 7 of said section 565, the words following:

"Provided, however, that no such by-law shall take effect until assented to by the local municipality or municipalities 40 affected, or until the same shall have been approved by the Lieutenant-Governor in Council," and said sub-section as hereby amended, shall be read and construed as if the amendment hereby made had been contained in said sub-section at the time of the passing of said sub-section and shall apply to 45 all by-laws heretofore passed under the provisions of said sub-section 7.

46 V. c. 18, s. 570, sub-sec. 2, amended. **19.** Sub-section 2 of section 570 of *The Consolidated Municipal Act*, 1883, is hereby amended by omitting the word "fifteen," where it occurs in the seventh line of the said sub- 50 section, and inserting the word "twenty" instead thereof.

20. Sub-section 9 of section 570 of *The Consolidated Municipal Act*, 1883, is hereby amended by omitting all the words after the word "section," in the tenth line of the said sub-section, and inserting instead thereof the words following : 46 V. c. 18, s. 570, sub-sec. 9, amended.

5 "Except that the council of the municipality may, on the petition of two-thirds of the owners appearing by the last revised assessment roll to be assessed for work mentioned in said sub-section, pass a by-law relieving the municipality from all liability under the provisions of section 587 ; and after such
10 last mentioned by-law shall have been passed, the provisions of said section 587 shall not apply to any of the works mentioned in said sub-section and set forth and designated in said last mentioned by-law."

21. Section 570 of *The Consolidated Municipal Act*, 1883, 46 V. c. 18, s. 570, amended.
15 is hereby further amended by adding thereto the following as subsections 18, 19 and 20 thereof:—

(18) Where any obstruction within the meaning of the provisions of this section, is wholly situate or existing beyond the
20 limits of the municipality, the same shall for all purposes, and with respect to every provision of this Act, be deemed and taken to be an obstruction, situate and existing partly within and partly without the limits of the municipality, and as if the proposed work or operations in connection therewith, or
25 with the removal thereof, were to be done and performed in part within the limits of the municipality, and in part to be continued and extended beyond such limits, and all the provisions of this Act, shall be held and deemed to apply and operate accordingly.

30 (19) Where any such obstruction is occasioned by or is a dam or other artificial structure, the council shall be deemed to have full power to acquire, with the consent of the owner thereof, and upon payment of such purchase money as may be mutually agreed upon, the right and title to remove the same, wholly or
35 in part ; and any amount so paid or payable as purchase money, shall be deemed part of the cost of the works under this section in connection with the removal of such obstruction, and shall be dealt with and provided for accordingly.

(20) The preceding subsections 18 and 19 are to be taken as
40 applying only to cases where the obstruction is actually situate or existing in a municipality next adjoining to the municipality mentioned in said sub-sections.

22. Section 571 of *The Consolidated Municipal Act*, 1883, 46 V. c. 18, s. 571, amended.
45 is hereby amended by adding thereto the following as sub-section 3 thereof :

(3). In case the council shall finally pass the by-law before the time for appealing to the Judge has expired, or while an appeal is pending before him, the Judge shall, notwithstanding such by-law has been passed, proceed and determine the appeal ;
50 and if he varies the assessment, the council shall by an amending by-law alter the by-law in accordance with the variation in the assessment made by the Judge. This proviso shall apply to any appeal heretofore duly had to a Judge, but in which the Judge has on account of the by-law having been finally passed
55 either declined to hear the appeal or to vary the assessment.

Form of by-law.

23. The form of by-law in section 571 of *The Consolidated Municipal Act*, 1883, is hereby amended by inserting after the words "so made," in the twenty-first line thereof, the following:—

"Being the assessment hereinafter by this by-law enacted to be assessed and levied upon the lots and parts of lots hereinafter in that behalf specially set forth and described;" and by striking out the words "and assessment," printed in italics, in the twenty-fourth line of the said form. **5**

46 V. c. 18, s. 572, amended.

24. Section 574 of *The Consolidated Municipal Act*, 1883, is hereby amended by striking out the word "within," in the seventh line of the said section and, substituting therefor the words "not later than," and by striking out all the words after "Toronto," in the eleventh line of the said section, and substituting therefor the words "during the six weeks next ensuing the final passing of the by-law." **10**

46 V. c. 18, s. 574, amended.

25. Sub-section 1 of section 574 of *The Consolidated Municipal Act*, 1883, is hereby amended by adding thereto the following words: "and to refund the surplus (if any) to the then owners of the land *pro rata* according to the original assessment." **20**

46 V. c. 18, s. 576, amended.

26. Section 576 of *The Consolidated Municipal Act*, 1883, is hereby amended by adding thereto the following words: "and until he obtains a sufficient outlet for such water, and in every such case to charge the lands and roads to the same extent and in the same manner as is provided by the next succeeding section of this Act." **25**

46 V. c. 18, s. 586, amended.

27. Section 586 of *The Consolidated Municipal Act*, 1883, as amended by section 19 of *The Municipal Amendment Act*, 1884, and by section 27 of *The Municipal Amendment Act*, 1885, is hereby further amended by inserting after the words "of *The Ontario Drainage Act of 1873*," the words following: "or of any other Act respecting drainage works and local assessments thereof or." **30**

46 V. c. 18, s. 588, amended.

28. Section 588 of *The Consolidated Municipal Act*, 1883, is hereby amended by striking out the word "this" in the fourth line thereof, and substituting therefor the word "any" and by adding after the word "wilfully" in the seventh line thereof, the words "or through negligence," and by omitting therefrom the words "notification by the Council of the Municipality in writing" and inserting instead thereof, the words "notification in writing by the Council of the Municipality, or an officer appointed by the council for the inspection or care of drains," and by adding to said section, as sub-section 3 thereof, the following: **40**

(3) Any person or persons who shall wilfully and intentionally obstruct, fill up or injure, any drains constructed under the provisions of any of said Acts, or wilfully and intentionally cut, destroy or injure any embankment or other drainage work connected therewith, shall upon the complaint of the council of the municipality, liable to keep such drain, em- **45**

bankment or work in repair, and upon conviction thereof before a justice of the peace, be liable to a fine of not less than \$1 nor more than \$50.

29. Section 590 of *The Consolidated Municipal Act* 1883, 46 V. c. 18, s. 590, amended. is hereby amended by adding after the word "formalities" in the tenth line thereof, the words following "except the petition."

30. Section 592 of *The Consolidated Municipal Act*, 1883, 46 V. c. 18, s. 592, amended. is hereby repealed, and the following substituted therefor:

10 592. Where, on account of proceedings taken under this Act, or *The Ontario Drainage Act*, or other Acts respecting drainage works and local assessments therefor, damages are recovered against the corporation or parties constructing the drainage works, or other relief is given by any judgment or
15 order of any Court, or any award made under this Act, all such damages, or any sum of money that may be required to enable the corporation to comply with any such judgment, order or award, made in respect thereof, shall be charged *pro rata* upon the lands and roads liable to assessment for such
20 drainage works; Provided always, that if to enable the corporation to comply with any such judgment order or award, it shall be necessary or expedient to change the course of any drain, or to make a new outlet or otherwise improve or alter any drain or drainage works, the same shall for all purposes,
25 and in all respects be dealt with and carried out, and all works and operations in respect thereof shall be executed and performed as if the same were alterations and improvements within the meaning of Section 586 of this Act, and all provisions of this Act applying to, or in respect of any work, alteration or improvement provided for by said section 586, shall
30 apply to any work, alteration or improvement intended to be provided for by this section.

31. Sub-section 2, of section 598 of *The Consolidated Municipal Act*, 1883, is hereby amended by adding after the
35 number and figures "577" in the second line of the said sub-section, the number and figures "590."

32. Section 627 of *The Consolidated Municipal Act*, 1883, 46 V. c. 18, s. 627, amended. is hereby amended by inserting after the word "within" where it occurs in the second line of the said section the words
40 "or adjacent to," and by adding thereto the following as sub-section 7 thereof:

(7) Cities and towns separated from the county may, with the approval of the ratepayers qualified to vote on money by-laws, pass similar by-laws to assist in the purchase of any toll
45 roads, in which the said cities or separated towns may be interested, or may pass by-laws abolishing the market fees charged by them, on condition that certain toll roads therein named are made free.

33. Section 14 of *The Municipal Amendment Act*, 1885, 48 V. c. 39, s. 14, amended. is hereby amended by adding thereto the following as sub-section two thereof:

(2) The council of every county shall be deemed and held to have had, and possessed on, from, and since the first day of February, 1883, the foregoing powers, and also the power to assist, aid, and compensate, either by payment of money or otherwise, any owner or occupier of land bordering upon any public highway within the county for the taking down, altering or removing any fence or fences which, in the opinion of the council, would be likely to cause such an accumulation of snow or drift as would impede or obstruct travel on such highway or any part thereof, or for the erection and construction of some other description of fence, approved of, or designated by the council, and subject to such terms and conditions in that behalf as by such council have or shall be fixed and prescribed.

48 V. c. 39, s.
39, amended.

34. Section 39 of *The Municipal Amendment Act, 1885*, is hereby amended by adding thereto the following as sub-section 5 thereof :

(5) Whenever in any township two or more portions thereof shall be so set apart as aforesaid, which shall adjoin, or lie contiguous to each other, the council of such township shall have power to pass a by-law uniting such separate divisions so previously set apart into one division, whereupon the said council shall have all the powers over, and relating to such united divisions, as if the whole area embraced within the limits of the several divisions so united had originally been set apart under the provisions of this Act in one parcel.

Licensing
plumbers.

35. The council of any city or town may pass by-laws :

For licensing and regulating plumbers, and for securing improving and maintaining the sanitary state and condition of the City or Town by the adoption of all proper and sufficient sanitary measures and improvement, in ventilation, drainage and plumbing, and compelling the use thereof by the owners, lessees and occupants of real property and providing for the proper inspection, maintenance and repair thereof, after such adoption by such owners, lessees and occupants, and for the appointment of inspectors of plumbing and examiners of applicants for plumbers' licenses, and for the registration of the plans, drawings, profiles and specifications, showing the plumbing and drainage upon and in all premises and buildings, and providing for the inspection of all plumbing work and material, and the maintenance and repair thereof, and for securing the sanitary condition of buildings, and for making better provision for securing the inmates and employees in all factories, hotels, boarding and lodging houses, warehouses, theatres, music halls, opera houses and other public buildings and places of amusement against accident by fire, and providing for the adoption and erection of proper fire escapes upon all such buildings more than two stories in height.

Powers of
cities, towns
and villages.

36. The council of any city, town, or incorporated village may pass by-laws ;

Use of water
from water-
works.

1. For compelling the use of water, supplied by the water works of the city, town, or village, for drinking and domestic purposes, within certain areas to be defined by by-law, and for prohibiting the use of spring or well water within such areas for such purposes.

2. For authorizing the reduction of the annual sinking fund rate, or amount required to be collected under local improvement by-laws passed by the council prior to the Act passed by the Legislative Assembly of the Province of Ontario, in the 5 42nd year of the reign of Her Majesty, chaptered 31, and for making allowance for the interest accrued from the investment of the amounts of sinking fund heretofore collected under such by-laws: provided always that in settling the sum to be raised annually for the remaining years which any such by-law 10 has to run for the payment of the debt, in lieu of the sinking fund rate, fixed by the original by-law, the rate of interest on future investments shall not be estimated at more than five per cent. per annum, to be capitalized yearly: provided also that no by-law reducing the sinking fund rates, fixed by any such local 15 improvement by-law, shall become valid or effectual until the same shall have been assented to by the Lieutenant-Governor in Council.

Reduction of
sinking fund.

37. In the matter of by-laws passed, or to be passed for works payable by local assessment, in order to facilitate the 20 negotiation of debentures issued thereunder, and add to their commercial value, it shall be lawful for the Council of any city town, or incorporated village, to declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the municipality at large, anything con- 25 tained in sub-section (d) to section 343, of *The Consolidated Municipal Act*, 1883, to the contrary notwithstanding.

Power to
guarantee
local improve-
ment debentures.

38. In any case when notice of a proposed improvement, work or service, to be paid for by special assessment as a local 30 improvement, has been given by any council of any municipality pursuant to the provisions of chapter 174 of the Revised Statutes of Ontario, or of *The Consolidated Municipal Act*, 1883, or any amending Act or Acts, and no petition sufficiently signed has been presented to the said council or to the succeeding 35 council against such proposed improvement, work or service, and assessment within the time limited in that behalf by the said Act, it shall be lawful for the said council, in the same or any succeeding year, to carry on the proposed work, improvement or service to completion, before making the 40 assessment therefor; and such notice, so given, shall stand good as authority for undertaking any such work, improvement or service, and making such assessment or assessments, and passing all necessary by-laws, whether the same shall have been or shall be undertaken and completed by the council giving such 45 notice or by the council in any succeeding year; and all notices heretofore given by any such council of any such improvements, works or services and assessments therefor, pursuant to section 4 of the Act passed in the 45th year of the reign of Her Majesty, chaptered 23, or of *The Consolidated Municipal Act*, 1883, and amending Acts, are hereby confirmed and declared 50 valid and binding on all real property affected thereby, and all assessments made and all by-laws passed, or hereafter to be passed, to provide moneys for redeeming any temporary loan or paying off any debt contracted for any improvement, work or service, undertaken and completed pursuant to any such 60 notice or notices, are hereby declared to be good, valid and binding assessments and by-laws, subject to compliance with the other provisions of *The Consolidated Municipal Act*, 1883,

Completion of
local improve-
ments.

and amending Acts, relating to the making of special assessments and passing by-laws for local improvements.

Reference of
claims for
compensation.
in respect of
lands.

39.—(1) Notwithstanding any of the provisions contained in *The Consolidated Municipal Act*, 1883, or in any Act amending the same, in all cases where claims are made for compensation for damages by the owners or occupiers of, or other persons interested in lands entered upon, taken or used by the corporation of any City, or alleged to have been injuriously affected by an such Corporation in the exercise of any of its powers, in the event of the Corporation not being able to agree with the claimant or claimants on the amount of compensation to be made, and the amount claimed does not exceed \$1,000, the same shall be settled and determined by the award of the Judge of the County within which the City is situate, (sitting as sole arbitrator), or at the option of either party, by such other sole arbitrator as the said Judge on application made by either party to him, upon notice to the other party, may appoint for the purpose.

(2) Either party shall be entitled to at least seven days' notice exclusive of the day of the service of the notice, of the wish of the other party to have an arbitration, and seven days' notice, exclusive of the seven days above mentioned and of the day of the service of the notice, shall be given of any application to the Judge to appoint any sole arbitrator as aforesaid.

(3) The fees to be paid to the arbitrator shall be the same as those payable to referees under the provisions of *The Revised Act respecting the Costs of Arbitrations*.

(4) Subject to the other provisions of this section the several sections of *The Consolidated Municipal Act*, 1883, and Amending Acts relating to "arbitrators" and "procedure," shall so far as applicable apply to and govern all arbitrations had and awards made by a sole arbitrator, under the provisions of this Act.

Tender of
compensation.

40. The Council of any Municipality in all cases where, claims for compensation or damages are made against them which, under the provisions of *The Consolidated Municipal Act*, 1883, or any other Act, are declared to be the subject of arbitration in the event of the parties not being able to agree, may tender to any person making such claim, such amount as they may consider proper compensation for the damage sustained or lands taken, and in the event of the non-acceptance by the claimant or claimants of the amount so tendered, and the arbitration being proceeded with, and if an award is obtained for an amount not greater than the amount so tendered, the costs of the arbitration and award shall be awarded to the corporation and set off against any amount which shall have been awarded against them.

Council a
continuing
body.

41. A municipal council shall be deemed and considered as always continuing and existing, notwithstanding any annual or other election of the members composing the same, and upon and after the annual or other election of the members thereof, and their having organized and held their first meeting as a council, every such council may take up and carry on to completion all by-laws, reports and proceedings which had

been begun or have been under consideration by the council,
either in the then next preceding year or subsequent or prior
thereto, and it shall not be necessary to begin *de novo* with
any by-law, proceeding, report, matter or thing entertained by
5 the council in such preceding year, or subsequent or prior
thereto, as aforesaid. This section is to be construed as declar-
atory of the intent, meaning and effect of the existing law,
except as respects any case which is now the subject of litigation,
and any such case so now in litigation, shall be deter-
10 mined as if the present enactment had not been passed

No. 128.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to further Amend the Municipal
Act.

First Reading, 2nd March, 1886.

*(Reprinted as amended by the Municipal
Committee.)*

Mr. FRASER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. No by-law of the council of an incorporated village for
 5 exempting any property from taxation, or for renewing any exemption, shall be valid, unless the assent of the electors thereto is given before the final passing of the by-law; and the power of a council by a two-thirds vote to grant or continue such exemption shall not apply to incorporated villages.
 10 (*Municipal Consolidated Act, 1883*, s. 368; *Municipal Act, 1884*, s. 8.)

2. Section 570 of *The Consolidated Municipal Act, 1883*,
 is hereby amended by substituting the following after sub-
 section 14:

- 15 14a. In case the council shall finally pass the by-law before the time for appealing to the Judge has expired, or while an appeal is pending before him, the Judge shall, notwithstanding such by-law has been passed, proceed and determine the appeal; and if he varies the assessment, the council shall by an amend-
 20 ing by-law alter the by-law in accordance with the variation in the assessment made by the Judge. This proviso shall apply to any appeal heretofore duly had to a Judge, but in which the Judge has on account of the by-law having been finally passed either declined to hear the appeal or to vary the assessment.

- 25 3. Section 480 of the said Act is hereby amended by adding the following sub-sections thereto:

- (2) The said Judge shall be entitled to charge and receive
 for his services in holding any such investigation such fees as
 would be payable to a professional arbitrator under chapter 64
 30 of the Revised Statutes of Ontario, and the said fees shall be payable by the municipality requesting such investigation.

- (3) In addition to all other powers conferred upon the Judge acting under this section, he shall have power, by an order, to direct the payment of costs by or to any party to any such
 35 investigation, or to apportion costs or fix the amount thereof, or refuse costs, as to him shall seem just and equitable; and where the amount of such costs is not fixed by the Judge in his said order, or in any subsequent order, the same may be taxed by one of the taxing officers of the Supreme Court of
 40 Judicature of Ontario, and the Judge may direct that execution issue for such costs out of the County Court of any county against the person ordered to pay the same.

(4) The Judge may direct the employment of a shorthand writer to take the evidence at any such investigation, and the municipality, unless the Judge otherwise orders, shall pay the necessary charges therefor.

46 V. c. 18, s.
490, sub-s. 22,
amended.

4. Sub-section 22, of section 490 of the said Act is hereby 5
amended by adding after the word "showmen," in the third
line thereof, the words, "and for preventing or regulating
and licensing roller rinks, and other places of like amusement."

46 V. c. 18, s.
496, sub-s.
496, amende

5. Sub-section 36, of section 496 of the said Act, is hereby
amended by adding after the word "been," in the seventh line 10
of said section, the words, "approved of by the Judge of the
County Court of the county, who shall be satisfied on evidence
produced before him that some necessity exists for altering the
name of such street, square, road, lane or other public com
munication, before giving his approval thereto, nor unless 15
and until the by-law has been."

BILL.

An Act to amend the Municipal Act.

First Reading, 8th March, 1886.

Mr. O'CONNOR.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 180.]

BILL.

[1886.]

An Act to Amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 6 of *The Assessment Act* is amended by adding
5 thereto the following sub-section :—

R. S. O. c.
180, s. 6,
amended.

26. Money deposited in any incorporated bank ; but the
interest payable by the bank in respect of such money shall be
assessed.

No. 130.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Assessment Acts.

First Reading, 3rd March, 1886.

MR. McLAUGHLIN.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Amend the Division Courts Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 11 of *The Division Courts Act* is hereby repealed, R. S. O. c. 47,
5 and the following substituted therefor :— s. 11,
repealed.

11. The County Council may, subject to the restrictions in
this Act contained by by-law, appoint, and from time to time
alter the number, limits and extent of every division within
the County, and shall number the divisions, beginning at
10 number one : but no by-law made under the provisions of this
section shall be repealed, nor shall any such alteration be
made unless notice of the intention to propose an alteration in
the number limits or extent of the divisions (as the case may
be) shall have been given at the next previous meeting of such
15 Council, and at least one month's notice thereof shall have
been given to the Judge of the County Court of such County.

Alteration of
number and
limits of
divisions.

No. 131.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Division Courts Act.

First Reading, 3rd March, 1886.

Mr. MEREDITH.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

No. 182.]

BILL.

[1886.

An Act to Amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the ^{46 V. c. 18, s.} Legislative Assembly of the Province of Ontario, enacts ^{587. amended.} as follows :—

Sub-section 2, of section 587, is amended by striking out the ^{46 V. c. 18, s.} words "similar work" in the first line, and substituting there- ^{589, amended.} for the words "a drain."

Section 589 is amended by adding the following sub-section thereto :—

(3) The Council may, from time to time, on the report of an
10 engineer or surveyor appointed by them to report on such
work of repairs, change the assessment by either lowering or
raising the same on lands already assessed for the construction
or repair of such work, or by entirely relieving from assessment
any lands that are no longer benefited by the construction or
15 repair of such work, or by assessing lands not already
assessed for the construction or repair of such work, but which
are, from changed circumstances, benefited by the construction
or repair of such work, subject to the same right of appeal as
the persons charged would have in the case of an original
20 assessment.

No. 132.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 3rd March, 1886.

MR. CLANCY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Amend the Registry Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 7 of *The Registry Act* is hereby repealed, and the
5 following substituted therefor :

7.—(1) The County Council shall, as occasion may require, ^{Appointment}
from time to time appoint a fit and proper person to the office of Registrar. ^{of Registrars.}
of Registrar for each Registry Office within the County, and
shall in like manner fill up any vacancy occurring by the death,
10 resignation, removal or forfeiture of office of any Registrar,
and every Registrar heretofore appointed, or hereafter to be
appointed, shall hold office during pleasure only.

(2) The powers conferred by this section shall, in the case
of City Registry Offices, be exercised by the Council in which
15 the Registry Office is situate.

(3) Registrars holding office at the time of the passing of this
Act shall be removable only by the Lieutenant-Governor in
Council.

2. The Council may agree with the Registrar for the pay-
25 ment to him of a salary in lieu of the fees which he is entitled ^{Agreement for}
to receive under the provisions of the said Act, but such salary ^{salary in lieu}
shall not exceed the average of the net profits of the office ^{of fees.}
during the next preceding five years, and in all cases where the
registrar is paid by salary under provisions of this Act the fees
30 of his office shall be accounted for, and paid over by him to
the Treasurer of the County, or City, as the case may be, for
the use thereof.

No. 133.

2nd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Registry Act.

First Reading, 3rd March, 1886.

Mr. MEREDITH.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act for further improving the Law.

WHEREAS in view of a new consolidation of the Statute Law of this Province, now in preparation, it is expedient to amend by this Act some of the existing Statutes as herein-after mentioned;

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Statute Amendment Act*, Short title. 1886."

10 2. (Subject to the provisions of sub-section 2, of section 3 of the Revised Statute *Respecting County Judges and Local Courts*) so much of the Act passed by the Legislature of Ontario in the 32nd year of Her Majesty's reign, chaptered 22, as repeals section 2 of chapter 15, of the
15 *Consolidated Statutes of Upper Canada*, and so much of any other Act as repeals or purports to repeal said section 2, is hereby repealed.

3. *The Interpretation Act* is amended by adding the following section:

20 (8a) "The Interpretation section of *The Judicature Act* shall, so far as the terms defined can be applied, extend to all enactments relating to legal matters." R. S. O. c. 1, s. 9.

4. Section 7 of the Revised *Act respecting the Territorial Division of Ontario*, is amended by cancelling the word "and" 25 after the word "Clair," and inserting after the word "Huron" the following words: "the River St. Mary's and Lake Superior."

5. Section 3 of the Revised *Act respecting the Territorial Districts of Muskoka, Parry Sound, and Thunder Bay*, is 30 amended by cancelling the word "seven" and substituting therefor the word "five." (R. S. O. c. 7, s. 4; 47 V. c. 3, ss. 5, 8; *ib. c. 14*).

6. Section 35 of *The Controverted Election's Act* is amended by striking out all the words of said section after the word 35 "cause" in the 3rd line, and substituting therefor where he is a member of the Court the following "The Court of Appeal, where he is a member of that Court, or the Division of the High Court of which he is a member, as the case may be, shall fill up the vacancy by placing on the *rota* another Judge of
04 the Court or Division aforesaid. R. S. O. c. 11, s. 35.

Deputies of
public officers.

7. The following sub-sections are hereby added to section 9 of the revised *Act Respecting Public Officers*.

(2) Where a Deputy is appointed by any person holding an office which is subject to the authority of this Legislature, any security required by law and hereafter given by such person, shall be construed to extend to and include the acts of the Deputy, whether appointed before or subsequent to the giving of the security. The liability of the sureties, and of the officer appointing the Deputy, shall be the same as regards the performance of the duties of the office by the Deputy, as in regard to the performance thereof by the person holding the office wherein the Deputy is appointed; and such liability shall extend to and cover all acts of the Deputy while he continues to perform the duties of the office, and whether before or after the death or resignation of the person appointing him, subject to the same rights of withdrawal by the sureties from liability, as may from time to time exist in regard to the security given by public officers.

(3) The Lieutenant-Governor in Council may, notwithstanding the above provision, require any such Deputy to furnish new security on the death or resignation of the person holding the office wherein he is Deputy, and such security shall be for the like amount, and subject to the same conditions, as that required by law for the due performance of the duties of the officer whom the Deputy represents.

Associates in
public offices.

8. The said Act is further amended by adding thereto the following section:

28. Where a person holding an office, the appointment to which belongs to the Lieutenant-Governor or to the Lieutenant-Governor in Council, desires, from the condition of his health or from his age or other cause, to associate with himself in the said office some other person, the Lieutenant-Governor may, at the request of such officer, appoint some other person to hold the office jointly with the said officer, during the pleasure of the Lieutenant-Governor. In such case the two officers shall thenceforward have equal rights and powers. The business of the office may be conducted in the name of either, or in the names of both jointly by their surnames, or otherwise. All emoluments of the office shall be shared by them in such manner as may be agreed upon between themselves, and approved of by the Lieutenant-Governor in Council. All agreements made between them, and not submitted to and approved of by the Lieutenant-Governor in Council, shall be subject to any law in force in Ontario relating to the buying and selling of public offices.

9. The security heretofore given by any such officer shall extend to, and be available for all official acts of the person so associated with him as aforesaid, and his sureties shall be liable, in the same manner and to the same extent for the official acts of the person associated with such officer, as for the acts of such officer himself; but the Lieutenant-Governor may require additional security to be given by the person to be associated with such officer as aforesaid, or may require both parties to give new security.

10. Section 85 of *The Chancery Act*, is amended by adding Married woman interested in settled estates.
to the said section the following sub-sections:

(2) The examination of a married woman apart from her husband, as to her knowledge of the nature and effect of an application for the sale or leasing of any settled estate, or as to her consent thereto, shall in no case be necessary unless expressly directed by the court or a judge. (R. S. O. c. 40, ss. 85; Imp. settled Est. Act, 1877, ss. 50).

(3) Infants and persons of unsound mind (not so found), required to be served with notice of any application to the High Court of Justice, may be served by delivering to the official guardian *ad litem* a copy of the petition or other proceeding required to be served; and from the time of such service, the said official guardian shall be the guardian *ad litem* of the infant or person of unsound mind, unless and until the court or judge, otherwise orders; and the said official guardian, or any other guardian appointed by the court for the infant or person of unsound mind, shall take all such proceedings as he may think necessary for the protection of the interests of the infant or person of unsound mind in the proceeding in which he is so appointed guardian.

(4) In case there be more than one infant or person of unsound mind (not so found) for whom service is made on the official guardian *ad litem*, one copy only of the petition or other proceeding, need be so served, but the name of each person on whose behalf the official guardian is served, is to be stated on the copy served.

(5) Money realized from the sale or leasing of any settled estate or any interest therein, shall be paid, applied or invested, as the court or a judge shall direct.

(Imp. Settled Est. Act, 1877, ss. 34-36).

11. Section 8 of *The Surrogate Court's Act* is amended by striking out the words "and shall be paid a fixed salary not exceeding \$1,600 yearly." R. S. O. c. 46. s. 8. Salary of surrogate clerk.

12. Section 17 of *The Administration of Justice Act* is amended by adding thereto the following sub-section: Examination of certain persons as to a debtor's means.

17. Where judgment has been obtained as aforesaid, the Court or a Judge may, on the application of the party entitled to enforce the judgment, order any clerk or employee or former clerk or employee of the judgment debtor, or any person to whom the debtor has made a transfer of his property or effects since the date when the liability or debt which was the subject of the action in which judgment was obtained was incurred, to attend at the county town of the county in which such person resides, before a Master, or an Official Referee or Examiner, or a Local Master, a Deputy Registrar of the High Court or a Deputy Clerk of the Crown, or before the Judge of the County Court of the county, and to submit to be examined upon oath as to the estate and effects of the debtor, and as to the property and means he had when the debt or liability aforesaid was incurred, and as to the property or means he still has of discharging the judgment, and as to the disposal he has made of any property since contracting the debt or incurring

the liability, and as to any and what debts are owing to him. The examination is to be for the purpose of discovery only, and no order is to be made on the evidence given on such examination.

(2) Any person liable to be examined under this section may be compelled to attend, testify, and to produce books and documents, in the same manner and subject to the same rules of examination and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined, as in the case of a witness. (R. S. O. c. 49, S. 17.) 10

Interpleading. **13.** The Revised Act respecting Interpleading, is amended as follows: (R. S. O. c. 54.)

(1) Section 18 is amended by adding thereto the words "in the event of the issue being decided against the claimant, and only to the extent to which such issue shall be so decided." 15

(2) Section 22 is amended by adding after the word "Court," where it first appears in the ninth line thereof, the words "notwithstanding that there are writs from two or more County Courts against the same goods, and whether at the suit or instance of the same plaintiff, or of different plaintiffs." 20

14. The revised Act respecting the Administration by the Crown of the Estates of Intestates in certain cases, is amended by inserting therein the following section:—

7a. Where any person dies in possession of, or entitled to real estate in Ontario, intestate as to such real estate, without any known heirs, the Attorney-General may apply to the High Court for an order for the making of such inquiries as may be necessary to determine whether or not Her Majesty is entitled to any portion of the real estate of the deceased on account of his dying intestate, and without heirs; and any judgment or order given upon such enquiry shall, unless reversed on appeal, be final and conclusive. (R. S. O. cap. 60, sec. 7.) 25 30

(2) Where the Attorney-General is entitled to apply under the preceding section, he may bring an action, either in his own name, on behalf of Her Majesty, or in the name of Her Majesty, to recover possession of the real estate of the deceased, and shall be entitled to judgment and process to recover possession, unless the person claiming adversely shows that the deceased did not die intestate, as to such real estate, or that he left heirs, or that some other person is entitled to the said real estate. 35 40

Practice where judgment reversed for error, etc.

15. Section 7 of the *Act respecting the Limitations of Certain Actions* is repealed. R. S. O. c. 61, s. 7.

Privilege in case of official documents.

16. *The Evidence Act* is hereby amended by inserting the following clause: (R. S. O. c. 62.) 45

1a. Where documents in the official possession, custody or power of a member of the Executive Council, or the Head of a Department of the Public Service of this Province, if the Deputy head or other officer of the Department has such 50

documents in his personal possession, and is called as a witness, he shall be entitled, acting herein by the direction and on behalf of such member of the Executive Council or Head of the Department, to object to produce the documents on the ground
 5 that they are privileged; and such objection may be taken by him in the same manner, and shall have the same effect, as if such member of the Executive Council or Head of the Department were personally present and made the objection.
 (See *Bradley v. McIntosh*, 5 O. R., 227; *Taylor on Evidence*,
 10 sections 947, 948, etc.)

17. Section 22 of the Revised Act respecting the Qual- Police
 ification and Appointment of Justices of the Peace is magistrates.
 amended, by inserting after the word "Judge" the words
 "or to any Police Magistrate"; and the said section, and the
 15 corresponding sections in the statutes of the late Province of
 Canada, shall be read, with respect to Police Magistrates here-
 tofore appointed and Police Magistrates hereafter appointed,
 as if the said sections at the times of the passing thereof
 respectively had included the said words in manner aforesaid.
 20 (R. S. O. c. 71; 6 Vict. c. 3. s. 15; 22 Vict. c. 99, s. 340;
 Consolidated Statutes Canada, c. 100, s. 16.)

18. The said Act is further amended by adding thereto the following section: Police magis-
 trates not to
 act for offend-
 ers or crim-
 inals.

22. No Police Magistrate, and no partner or clerk of any
 25 Police Magistrate, shall act as agent, solicitor or counsel in any
 cause, matter, prosecution, or proceeding of a criminal nature;
 nor shall such Police Magistrate, partner or clerk act as afore-
 said in any case which by law may be investigated or tried
 before a Magistrate or Justice of the Peace.

30 19. The Revised Act respecting Summary Convictions before Magistrates
 Justices of the Peace is amended by adding to section 1 the may order
 following sub-sections: (R. S. O. c. 74.) defendants to
 pay costs.

(3) In all cases of summary conviction, or of orders made by
 a Justice of the Peace, Police Magistrate, or Stipendiary Magis-
 35 trate under this Act, the Justice, Police Magistrate or Stipen-
 diary Magistrate may, in his discretion, award and order, in and
 by the conviction or order, that the defendant shall pay to the
 prosecutor or complainant, such costs as to the said Justice,
 Police Magistrate or Stipendiary Magistrate seems reasonable
 40 in that behalf, the same not being inconsistent with the fees
 established by law to be taken on proceedings had by and
 before Justices of the Peace.

(4) In cases where the Justice or Police Magistrate or Stipen-
 diary Magistrate, instead of convicting or making any order, dis-
 45 misses the information or complaint, he may, in his discretion,
 in and by the order of dismissal, award and order that the
 prosecutor or complainant shall pay to the defendant such
 costs as to the said Justice, or Police Magistrate or Stipendiary
 Magistrate, seems reasonable and are consistent with the law.

50 (5) The sums so allowed for costs shall be specified in the
 conviction or order, and shall be recoverable in the same manner
 and under the same warrants as a penalty adjudged to be paid
 by conviction or order is recovered.

(6) Where there is no penalty to be recovered, such costs shall be recoverable by distress and sale of the goods and chattels of the party, and in default of distress, by imprisonment, with or without hard labour, for any time not exceeding one month, unless the costs are sooner paid. 5

Parties may agree not to appeal from Stipendiary Magistrates.

20. The Revised Statute respecting the Administration of Justice in unorganized tracts is amended by inserting the following section after section 25 of said Act :

25a. No appeal shall lie to the Court of Appeal if, before the Court opens, or if (without the intervention of the Stipendiary 10 Magistrate), before the commencement of the trial, there shall be filed with the Clerk an agreement in writing not to appeal, signed by both parties, or by their Attorneys or Agents. The Stipendiary Magistrate shall note in his minutes whether such agreement was filed or not ; and the minutes shall be con- 15 clusive evidence upon that point. (R. S. O. c. 90, s. 25 ; 43 Vic. c. 8, ss. 6.)

Liability for torts after death of one of the parties.

21. Sections 8 and 9 of the Revised Statute respecting Trustees and Executors and the Administration of Estates are repealed, as regards torts, injuries and wrongs hereafter com- 20 mitted, and the following are substituted in respect of the said matters : (R. S. O. c. 107).

8. The executors or administrators of any deceased person may maintain an action for all torts or injuries to the person or to the real or personal estate of the deceased, except in cases 25 of libel and slander, in the same manner, and with the same rights and remedies as the deceased would, if living, have been entitled to do ; and the damages when recovered shall form part of the personal estate of the deceased ; but such action shall be brought within one year after his decease. 30

9. In case any deceased person committed a wrong to another in respect of his person, or of his real or personal property, the person so wronged may maintain an action against the executors or administrators of the person who committed the wrong. This section does not apply to libel or slander. 35

9a. In estimating the damages in any action under either of the preceding two sections, the benefit, gain, profit or advantage which, in consequence of or resulting from the wrong committed, may have accrued to the estate of the person who committed the wrong, shall be taken 40 into consideration, and shall form part, or may constitute the whole, of the damages to be recovered, and whether or not any property, or the proceeds or value of property, belonging to the person bringing the action or to his estate, has or have been appropriated by or added to the estate or moneys of the 45 person who committed the wrong.

Investments on mortgages, authorized.

22. Section 28 of the same Act is amended by inserting after the word "Province," the following words: "or in securities which are a first charge on land held in fee simple, provided that such investments are in other respects reason- 50 able and proper." This section shall be construed as declaratory of what has always been the law of this Province.

(2) All corporations shall have the same right aforesaid, whether such investments were or were not authorized by the statutes which apply to such corporations; and all existing investments so made by corporate bodies are hereby declared to be as valid as if made after the passing of this Act.

23. Section 8 of the *Act Respecting Apprentices and Minors* is amended by adding the following sub-section: Apprentices and minors.

The consent of the minor shall not be necessary where the minor is under the age of 14 years, being a male, or 12 years, being a female." (R. S. O. c. 135.)

24. *The Ontario Joint Stock Companies Letters Patent Act* is amended by inserting the following section:—

17a. With regard to the increase of the capital stock of any Company incorporated under the Act authorizing the granting of charters of incorporation to manufacturing, mining and other companies, passed in the 27th and 28th year of the reign of Her Majesty, chaptered 23, the incorporation of which is subject to the control of the Legislature of Ontario, the Provincial Secretary, or such other officer as may be named for the purpose, is not bound to sign the notice mentioned in sub-section 18 of section 5 of said Act, and is to exercise his discretion in respect of the same, in view of all the facts, and subject to the direction of the Lieutenant-Governor in Council. This section is to be construed as declaratory of the intent, meaning and effect of the said sub-section ever since the passing thereof, except as respects any case which is now the subject of litigation, and any such case so now in litigation shall be determined as if the present enactment had not been passed. (*vide* 27 and 28, V. c. 23. s. 5, subs. 18; 37 V. c. 35, s. 59; R. S. O. c. 150.)

25. Section 10 of *The Act Respecting Co-operative Associations* is amended by inserting after the word "transferable" and the following words: "unless the rules provide for their transfer;" by cancelling the word "but" in the sixth line of the same section. (R. S. O. c. 158.) Transfer of shares in Co-operative Associations.

26. The sections of *The Public Service Act, 1878*, numbered 35, 36, and 37, are repealed. Public Service Act.

27. *The Creditors' Relief Act, 1880*, is amended, by cancelling the word "as" in the 12th line of section 5, and by adding to section 10 the following words: "And after payment in full of the taxed costs and the costs of the execution to the creditor at whose instance and under whose execution the seizure and levy were made." Creditors' Relief Act, costs.

28. The said Act is further amended by inserting therein the following section: Fund in Court to be paid to sheriff.

8a. Where there is in any Court a fund belonging to an execution debtor, or to which he is entitled, the same, or a sufficient part thereof to meet the claims in the sheriff's hands, may, on the application of the sheriff or any party interested, be paid over to the sheriff, and the same shall be deemed to be money levied under execution within the meaning of this Act.

Jurisdiction
as to validity
of Provincial
Statute.

29. Section 16 of *The Ontario Judicature Act, 1881*, is amended by the insertion therein of the following at the end of the 1st sub-section of the said 16th section :

(a) The High Court shall have jurisdiction to entertain an action at the instance of either the Attorney-General for the Dominion, or the Attorney-General of this Province for a declaration as to the validity of any statute, or any provision in any statute, of this Legislature, though no further relief should be prayed or sought; and the action shall be deemed sufficiently constituted if the two officers aforesaid are parties thereto. A judgment in the action shall be appealable like other judgments of the said Court.

Relief against
penalties, etc.

(b) (Subject to appeal as in other cases,) the High Court shall have power to relieve against all penalties, forfeitures and agreements for liquidated damages, and in granting such relief to impose such terms as to costs, expenses, damages, compensation and all other matters as the Court thinks fit. The County Courts and Division Courts shall have like power

(subject to appeal) in regard to causes of action within their jurisdiction. (See Taylor's Equity Jurisprudence, c. 36, p. 452, s. 1084 *et seq.*; Imp. 44 and 45 Vic. c. 41, s. 14; R. S. O. c. 40. ss. 49; *Administration of Justice Act, 1885*, s. 16.)

Appointment
under powers.

(c) No appointment, which after the passing of this Act is made in exercise of a power to appoint any property real or personal amongst several objects, shall be adjudged to be invalid on the ground that any object of such power has been altogether excluded, and an appointment shall be valid and effectual notwithstanding that one or more of the objects shall not thereby or in default of appointment take a share or shares of the property which is subject to the power.

But nothing in this sub-section shall prejudice or affect any provision in any deed, will, or other instrument creating a power, which shall declare the amount or the share or shares from which no object of the power shall be excluded, or shall declare some one or more object or objects of the power who shall not be excluded. (Imp. 37 and 38 Vic. c. 37.)

30. The 70th section of the said Act is amended by adding thereto the following words:

"And such other offices connected with the administration of Justice as the Lieutenant-Governor in Council may from time to time direct."

Interpleader
where there
are writs from
different
courts.

31. The said Act is further amended by inserting the following:

73a. The stenographic writers heretofore appointed, or who shall hereafter be appointed by the Lieutenant-Governor to report trials at sittings of the High Court, or of a County Court, shall be officers of the Court to which they are appointed, and shall have office during the pleasure of the Lieutenant-Governor, and shall perform such other duties as may be assigned to them by rule of Court, or order of the Lieutenant-Governor in Council.

(2) Every such reporter shall take the following oath before one of the Judges of the High Court to which he is appointed, and the same shall be filed :

I (A. B.) do solemnly and sincerely promise and swear that
 5 I will faithfully report the evidence and proceedings at the trial in each case in which it may be my duty to act as short-hand reporter. So help me God.

32. Section 1 of *The Act respecting Interpleader*, passed in the 44th year of the reign of Her Majesty, chaptered 7, is
 10 amended by striking out the words "one of the Superior Courts of law," and inserting the following : " the High Court, or under executions or attachments in the sheriff's or other officer's hands, issued out of different County Courts, or out of one or more County Courts, and one or more Division
 15 Courts ;" and by adding to the said section 1 the following sub-section :

(a) The Judge making the order shall have the like powers as are provided in section 13 of the revised Act respecting Interpleading with regard to proceedings therein mentioned.
 20 (R. S. O. c. 54.)

33. Section 2 of the *Act to Regulate the Fees of Certain Officers and others*, is amended by striking out the words
 "except the County of York." (44 Vic. c. 8.)

34. The Act intituled *An Act to Promote the Detection of*
 25 *Crime* is amended by inserting the following after section 1 of the said Act ;

(2) Where the Warden and County Attorney aforesaid deem necessary or expedient, they may direct the Treasurer of the County to advance to the constable or other person, such
 30 sum or sums from time to time as they may name, for the purpose of paying the reasonable and necessary expenses incurred or to be incurred by such constable or other person in the performance of the special services aforesaid ; and the Treasurer of the County shall pay such sum or sums upon the
 35 written order of the Warden and County Attorney, and shall deduct the amount thereof from the subsequently certified account of the constable or other person employed. (48 Vic. c. 18.)

35. *The Land Titles Act, 1885*, is amended as follows :—
 40 (1) Section 15 is amended by inserting after the word "unexpired," in the seventh line the following words : " or in respect of which the lessee or his assignors is or are entitled to a renewal term or succession of terms amounting with the portion unexpired of the current term to twenty-one years or
 45 over, or to a renewal for a life or lives."

(2) Section 55 is amended by substituting 3 for 21, in the fifth line of the said section.

(3) Section 78 is amended by substituting for the words
 " beyond seas," the words " from Canada."

(4) The said Act is further amended by inserting the
 50 following :—

Lien same as
Mechanics'
Liens Act.

67a. In the case of land registered under *The Land Titles Act, 1885*, if a person entitled to a lien on such land, under the Acts relating to mechanic's liens, shall lodge a caution, supported by an affidavit to the same effect, as is required for registration under the said last mentioned Acts, such caution shall 5 have the same effect as registration has under the said *Mechanics' Liens Acts*, and be enforced within the same time, and discharged in like manner. (R. S. O. c. 120; 45 Vict., c. 15; 47. Vict., c. 18.)

Jurisdiction of
Police Magis-
trates for
counties.

36. The *Act respecting Police Magistrates for Counties*, 10 is amended by adding thereto the following sub section :

"5. A Police Magistrate appointed under this Act shall not have authority as a Police Magistrate in any city, town or village which has a Police Magistrate of its own, but shall have in such city, town or village the authority only of a Justice 15 of the Peace." (48 V. c. 17.)

No. 135.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act for further improving the Law.

First Reading, 3rd March, 1886.

THE ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act for further improving the Law.

WHEREAS in view of a new consolidation of the Statute Law of this Province, now in preparation, it is expedient to amend by this Act some of the existing Statutes as herein-after mentioned;

5 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. This Act may be cited as "*The Statute Amendment Act*, Short title. 1886."

10 2. (Subject to the provisions of sub-section 2, of section 3 of the Revised Statute *Respecting County Judges and Local Courts*) so much of the Act passed by the Legislature of Ontario in the 32nd year of Her Majesty's reign, chaptered 22, as repeals section 2 of chapter 15, of the *Consolidated Statutes of Upper Canada*, and so much of any other Act as repeals or purports to repeal said section 2, is hereby repealed.

3. *The Interpretation Act* is amended by adding the following section:

20 (8a) "The Interpretation section of *The Judicature Act* shall, so far as the terms defined can be applied, extend to all enactments relating to legal matters." R. S. O. c. 1, s. 9.

4. Section 7 of the Revised Act *respecting the Territorial Division of Ontario*, is amended by cancelling the word "and" after the word "Clair," and inserting after the word "Huron" the following words: "the River St. Mary's and Lake Superior."

5. Sub-section 1 of Section 2 of *The Voters' Lists Act* as amended by *The Voters' Lists Amendment Act, 1885*, is hereby further amended by omitting therefrom the words "first revision" and inserting instead thereof the words "final revision."

6. Section 35 of *The Controverted Elections Act* is amended by striking out all the words of said section after the word "cause" in the 3rd line, and substituting therefor where he is a member of the Court the following "The Court of Appeal, where he is a member of that Court, or the Division of the High Court of which he is a member, as the case may be, shall fill up the vacancy by placing on the *rota* another Judge of the Court or Division aforesaid." R. S. O. c. 11, s. 35.

Deputies of public officers. 7. The following sub-sections are hereby added to section 9 of the *Revised Act Respecting Public Officers*.

(2) Where a Deputy is appointed by any person holding an office which is subject to the authority of this Legislature, any security required by law and hereafter given by such person, shall be construed to extend to and include the acts of the Deputy, whether appointed before or subsequent to the giving of the security. The liability of the sureties, and of the officer appointing the Deputy, shall be the same as regards the performance of the duties of the office by the Deputy, as in regard to the performance thereof by the person holding the office wherein the Deputy is appointed; and such liability shall extend to and cover all acts of the Deputy while he continues to perform the duties of the office, and whether before or after the death or resignation of the person appointing him, subject to the same rights of withdrawal by the sureties from liability, as may from time to time exist in regard to the security given by public officers. 5 10 15

(3) The Lieutenant-Governor in Council may, notwithstanding the above provision, require any such Deputy to furnish new security on the death or resignation of the person holding the office wherein he is Deputy, and such security shall be for the like amount, and subject to the same conditions, as that required by law for the due performance of the duties of the officer whom the Deputy represents. 20 25

Married woman interested in settled estates.

8. Section 85 of *The Chancery Act*, is amended by adding to the said section the following sub-sections:

(2) The examination of a married woman apart from her husband, as to her knowledge of the nature and effect of an application for the sale or leasing of any settled estate, or as to her consent thereto, shall in no case be necessary unless expressly directed by the court or a judge. (R. S. O. c. 40, ss. 85; Imp. settled Est. Act, 1877, ss. 50). 30

(3) Infants and persons of unsound mind (not so found), required to be served with notice of any application to the High Court of Justice, may be served by delivering to the official guardian *ad litem* a copy of the petition or other proceeding required to be served; and from the time of such service, the said official guardian shall be the guardian *ad litem* of the infant or person of unsound mind, unless and until the court or judge, otherwise orders; and the said official guardian, or any other guardian appointed by the court for the infant or person of unsound mind, shall take all such proceedings as he may think necessary for the protection of the interests of the infant or person of unsound mind in the proceeding in which he is so appointed guardian. 35 40 45

(4) In case there be more than one infant or person of unsound mind (not so found) for whom service is made on the official guardian *ad litem*, one copy only of the petition or other proceeding, need be so served, but the name of each person on whose behalf the official guardian is served, is to be stated on the copy served. 50

(5) Money realized from the sale or leasing of any settled estate or any interest therein, shall be paid, applied or invested, as the court or a judge shall direct. 55

(Imp. Settled Est. Act, 1877, ss. 34-36).

9. *The County Courts Act* is amended by inserting therein the following clause :

(9a) All special examiners of the High Court of Justice heretofore or hereafter appointed, shall be officers of the several county courts of the Province and shall possess like powers in county court cases, as those now possessed and exercised by them in cases in the High Court of Justice. Special examiners of high court be officers of county courts.

10. Section 11 of *The General Sessions Act* is amended by inserting the following sub-section : R. S. O. c. 44, s. 11, amended.

(2b) Where a person holding the office of County Crown Attorney and Clerk of the Peace desires, from the condition of his health or from his age, to resign the office of County Crown Attorney, retaining the office of Clerk of the Peace, he may do so if the Lieutenant-Governor thinks fit to accept his resignation ; and in such case the County Crown Attorney appointed in his place shall, on a vacancy occurring in the office of the Clerk of the Peace be *ex-officio* Clerk of the Peace for the county, as in other cases. (R. S. O. c. 44, s. 11.)

11. Section 8 of *The Surrogate Courts Act* is amended by striking out the words "and shall be paid a fixed salary not exceeding \$1,600 yearly." Salary of surrogate clerk. R. S. O. c. 46. s. 8.

12. Section 17 of *The Administration of Justice Act* is amended by adding thereto the following sub-section :

17. Where judgment has been obtained as aforesaid, the Court or a Judge may, on the application of the party entitled to enforce the judgment, order any clerk or employee or former clerk or employee of the judgment debtor, or any person to whom the debtor has made a transfer of his property or effects since the date when the liability or debt which was the subject of the action in which judgment was obtained was incurred, to attend at the county town of the county in which such person resides, before a Master, or an Official Referee or Examiner, or a Local Master, a Deputy Registrar of the High Court or a Deputy Clerk of the Crown, or before the Judge of the County Court of the county, and to submit to be examined upon oath as to the estate and effects of the debtor, and as to the property and means he had when the debt or liability aforesaid was incurred, and as to the property or means he still has of discharging the judgment, and as to the disposal he has made of any property since contracting the debt or incurring the liability, and as to any and what debts are owing to him. The examination is to be for the purpose of discovery only, and no order is to be made on the evidence given on such examination.

Examination of certain persons as to a debtor's means.

(2) Any person liable to be examined under this section may be compelled to attend, testify, and to produce books and documents, in the same manner and subject to the same rules of examination and the same consequences of neglecting to attend or refusing to disclose the matters in respect of which he may be examined, as in the case of a witness. (R. S. O. c. 49, S. 17.)

Interpleading. **13.** The *Revised Act respecting Interpleading*, is amended as follows : (R. S. O. c. 54.)

1. Section 12 is amended by striking out the words "or two" in the second line thereof, and substituting therefor the words "and one;" and by adding after the word "Courts" in the third line the words "or including the High Court of Justice, and one or more Division Courts." 5

2. Section 18 is amended by adding thereto the words "in the event of the issue being decided against the claimant, and only to the extent to which such issue shall be so decided." 10

3. Section 22 is amended by adding after the word "Court," where it first appears in the ninth line thereof, the words "notwithstanding that there are writs from two or more County Courts against the same goods, and whether at the suit or instance of the same plaintiff, or of different plaintiffs." 15

Recovery by
Crown of real
estate of
persons dying
intestate and
without heirs.

14. The *Revised Act respecting the Administration by the Crown of the Estates of Intestates in certain cases*, is amended by inserting therein the following section :—

7a. Where any person dies in possession of, or entitled to real estate in Ontario, intestate as to such real estate, without any known heirs, the Attorney-General may apply to the High Court for an order for the making of such inquiries as may be necessary to determine whether or not Her Majesty is entitled to any portion of the real estate of the deceased on account of his dying intestate, and without heirs; and any judgment or order given upon such enquiry shall, unless reversed on appeal, be final and conclusive. (R. S. O. cap. 60, sec. 7.) 20 25

(2) Where the Attorney-General is entitled to apply under the preceding section, he may bring an action, either in his own name, on behalf of Her Majesty, or in the name of Her Majesty, to recover possession of the real estate of the deceased, and shall be entitled to judgment and process to recover possession, unless the person claiming adversely shows that the deceased did not die intestate, as to such real estate, or that he left heirs, or that some other person is entitled to the said real estate. 30 35

Practice where
judgment
reversed for
error, etc.


15. Section 7 of the *Act respecting the Limitations of Certain Actions* is repealed. R. S. O. c. 61, s. 7.

Privilege in
case of official
documents.

16. The *Evidence Act* is hereby amended by inserting the following section : (R. S. O. c. 62.)

1a. Where documents in the official possession, custody or power of a member of the Executive Council, or the Head of a Department of the Public Service of this Province, if the Deputy head or other officer of the Department has such documents in his personal possession, and is called as a witness, he shall be entitled, acting herein by the direction and on behalf of such member of the Executive Council or Head of the Department, to object to produce the documents on the ground that they are privileged; and such objection may be taken by him in the same manner, and shall have the same effect, as 45 50

if such member of the Executive Council or Head of the Department were personally present and made the objection. (See *Bradley v. McIntosh*, 5 O. R., 227; Taylor on Evidence, sections 947, 949, etc.)

- 5 **17.** Section 48 of the *Act respecting Writs of Execution*, R. S. O. c. 66, is amended by striking out the words "the Clerk or Deputy-Clerk of the Crown," and inserting "proper taxing officer in the county." (R. S. O. c. 66, s. 48.)  s. 48, amended.

- 10 **18.** Section 22 of *The Revised Act respecting the Quali-* Police
cation and Appointment of Justices of the Peace is magistrates.
amended, by inserting after the word "Judge" the words
"or to any Police Magistrate"; and the said section, and the
corresponding sections in the statutes of the late Province of
Canada, shall be read, with respect to Police Magistrates here-
15 tofore appointed and Police Magistrates hereafter appointed,
as if the said sections at the times of the passing thereof
respectively had included the said words in manner aforesaid.
(R. S. O. c. 71; 6 Vict. c. 3. s. 15; 22 Vict. c. 99, s. 340 :
Consolidated Statutes Canada, c. 100, s. 16.)

- 20 **19.** The said Act is further amended by adding thereto the Police magis-
following section : trates not to

22. No Police Magistrate, and no partner or clerk of any
Police Magistrate, shall act as agent, solicitor or counsel in any
cause, matter, prosecution, or proceeding of a criminal nature ;
25 nor shall such Police Magistrate, partner or clerk act as afore-
said in any case which by law may be investigated or tried
before a Magistrate or Justice of the Peace. act for offend-
ers or crim-
inals.

- 20.** *The Revised Act respecting Summary Convictions* Magistrates
before Justices of the Peace is amended by adding to section 1 may order
30 the following sub-sections : (R. S. O. c. 74.) defendants to
pay costs.

- (3) In all cases of summary conviction, or of orders made by
a Justice of the Peace, Police Magistrate, or Stipendiary Magis-
trate under this Act, the Justice, Police Magistrate or Stipen-
diary Magistrate may, in his discretion, award and order, in and
35 by the conviction or order, that the defendant shall pay to the
prosecutor or complainant, such costs as to the said Justice,
Police Magistrate or Stipendiary Magistrate seems reasonable
in that behalf, the same not being inconsistent with the fees
established by law to be taken on proceedings had by and
40 before Justices of the Peace.

- (4) In cases where the Justice or Police Magistrate or Stipen-
diary Magistrate, instead of convicting or making any order, dis-
misses the information or complaint, he may, in his discretion,
in and by the order of dismissal, award and order that the
45 prosecutor or complainant shall pay to the defendant such
costs as to the said Justice, or Police Magistrate or Stipendiary
Magistrate, seems reasonable and are consistent with the law.

- (5) The sums so allowed for costs shall be specified in the
conviction or order, and shall be recoverable in the same manner
55 and under the same warrants as a penalty adjudged to be paid
by conviction or order is recovered.

(6) Where there is no penalty to be recovered, such costs shall be recoverable *only* by distress and sale of the goods and chattels of the party.

R. S. O. c. 76, s. 7, repealed. **21.** Section 7 of the *Act respecting Returns of Convictions and Fines by Justices of the Peace* is repealed and the following is substituted therefor:—

Copy of returns to be sent to inspector of legal offices.

27. “The Clerk of the Peace of each county, within twenty days after the end of each General Sessions of the Peace, shall transmit to the [Inspector of Legal offices, at Toronto,] a true copy of all such returns made within his county, [and also a return of all cases brought before, or tried at, the said General Sessions of the Peace, or at the County Judge’s Criminal Court up to the date of such return, such last mentioned return to be in similar form to the return set out in section 1 of this Act.”] (R. S. O. c. 76, s. 7.)

Parties may agree not to appeal from Stipendiary Magistrates.

22. *The Revised Act respecting the Administration of Justice in Unorganized Tracts* is amended by inserting the following section after section 25 of said Act:

25a. No appeal shall lie to the Court of Appeal if, before the Court opens, or if (without the intervention of the Stipendiary Magistrate), before the commencement of the trial, there shall be filed with the Clerk an agreement in writing not to appeal, signed by both parties, or by their Attorneys or Agents. The Stipendiary Magistrate shall note in his minutes whether such agreement was filed or not; and the minutes shall be evidence upon that point. (R. S. O. c. 90, s. 25; 43 Vic. c. 8, ss. 6.)

Liability for torts after death of one of the parties.

23. Sections 8 and 9 of *The Revised Statute respecting Trustees and Executors and the Administration of Estates* are repealed, as regards torts, injuries and wrongs hereafter committed, and the following are substituted in respect of the said matters: (R. S. O. c. 107).

8. The executors or administrators of any deceased person may maintain an action for all torts or injuries to the person or to the real or personal estate of the deceased, except in cases of libel and slander, in the same manner, and with the same rights and remedies as the deceased would, if living, have been entitled to do; and the damages when recovered shall form part of the personal estate of the deceased; but such action shall be brought within one year after his decease.

9. In case any deceased person committed a wrong to another in respect of his person, or of his real or personal property, the person so wronged may maintain an action against the executors or administrators of the person who committed the wrong. This section does not apply to libel or slander.

9a. In estimating the damages in any action under either of the preceding two sections, the benefit, gain, profit or advantage which, in consequence of or resulting from the wrong committed, may have accrued to the estate of the person who committed the wrong, shall be taken into consideration, and shall form part, or may constitute the whole, of the damages to be recovered, and whether or not any property, or the proceeds or value of property, belonging

to the person bringing the action or to his estate, has or have been appropriated by or added to the estate or moneys of the person who committed the wrong.

24. Section 28 of the *said* Act is amended by inserting
 5 after the word "Province," the following words: "or in Investments
 securities which are a first charge on land held in fee simple, on mortgages,
 provided that such investments are in other respects reason- authorized.
 able and proper." This section shall be construed as declaratory
 of what has always been the law of this Province.
- 10 25.—(1) All corporations having money in their hands Investments
 which it is their duty, or is in their discretion, to invest, may by corpora-
 invest the same, if they see fit, in securities, which are a first tions.
 charge on land held in fee simple: provided that such invest-
 15 ments are in other respects reasonable and proper. This
 section applies, whether such investments are or are not
 authorized by any Statutes now in force which apply to such
 corporations. All existing investments so made by corporate
 bodies are hereby declared to be as valid as if made after the
 passing of this Act.
- 20 26. (2) This section does not apply to investments by muni-
 cipal corporations, which, notwithstanding anything in this
 Act, shall continue to be regulated by section 8 of *The Muni-
 cipal Amendment Act, 1881.*
- 25 26. Section 25 of *The Registry Act* is amended by adding R. S. O. c. 111,
 after the word "town," wherever the same appears, the words, s. 25, amended.
 "town plot laid out by the Crown." (R. S. O. c. 111, s. 25.)
27. Section 27 of the said Act is amended, by adding after R. S. O. c. 111,
 the word "City" in the second line the following: "or the s. 27, amended.
 Spendiary Magistrate of the District."
- 30 28. Section 28 of the said Act is amended by adding the R. S. O. c. 111,
 words "town plot laid out by the Crown," after the word s. 28, amended.
 "town" in the first line, and by striking out all after the
 word "office" in the nineteenth line, and adding in lieu thereof
 following:
- 35 (1) Such first mentioned registrar shall also deliver an
 abstract index book of all titles to lands within each of such
 detached localities, registered before separate registry books
 were kept for each township or place; and also a proper
 registry book containing full and complete copies of all
 40 memorials and other registered documents affecting such
 lands, which, by reason of their relating to two or more locali-
 ties, cannot be delivered, such copies being entered in the
 book in the same order and relation in which they were
 originally inserted; and there being inserted on the margin of
 45 the book opposite to each memorial or instrument, the number
 thereof and the particular time at which the memorial or
 instrument was originally recorded as indorsed on the back
 thereof by the registrar or his deputy, at the time of the
 original registration thereof. The book shall be accompanied
 50 by an alphabetical index of names; he shall also deliver as
 aforesaid a proper registry book containing a copy of all wills
 and other instruments registered in any general registry book in
 which the names of any of the parties thereto have been

entered in the alphabetical index, kept for the locality so being detached; and shall also deliver a true copy of the alphabetical index attached to any general registry book; he shall also carefully compare all of such entries with the original entries in the registry books in his office and endorse a certificate to that effect in each book before delivering the same. 5

(2) The registrar receiving such books, and his successors shall keep the same among the registry books of his office, and deal with them in all respects in like manner, as those originally supplied to and kept therein. 10

R. S. O. c. 111 s. 85, repealed. 29. Section 31 of the said Act is repealed.

R. S. O. c. 111, s. 85, amended. 30. Section 85 of the said Act as amended by section 2 of the Act passed in the 48th year of Her Majesty's reign entitled *An Act to further amend the Registry Act* is amended by inserting the word "City" before the word "Town" 15 wherever the word town occurs in said section.

Apprentices and minors. 31. Section 8 of the *Act Respecting Apprentices and Minors* is amended by adding thereto the following sub-section:

(2). In the case of a minor, if a male under the age of fourteen years, or if a female under the age of twelve years, who has been deserted by his or her parents or guardian, or whose parents or guardian have been for the time committed to a common gaol or house of correction, or who is dependent upon public charity for support, the consent of such minor shall not be necessary for the purposes of this section. 25

Discretion as to signing notice for increase of capital of joint stock companies.

32. *The Ontario Joint Stock Companies Letters Patent Act* is amended by inserting the following section:—

17a. With regard to the increase of the capital stock of any Company incorporated under the Act authorizing the granting of charters of incorporation to manufacturing, mining and other companies, passed in the 27th and 28th year of the reign of Her Majesty, chaptered 23, the incorporation of which is subject to the control of the Legislature of Ontario, the Provincial Secretary, or such other officer as may be named for the purpose, is not bound to sign the notice mentioned in sub-section 18 of section 5 of said Act, and is to exercise his discretion in respect of the same, in view of all the facts, and subject to the direction of the Lieutenant-Governor in Council. This section is to be construed as declaratory of the intent, meaning and effect of the said sub-section ever since the passing thereof, except as respects any case which is now the subject of litigation, and any such case so now in litigation shall be determined as if the present enactment had not been passed. (*vide* 27 and 28, V. c. 23. s. 5, subs. 18; 37 V. c. 35, s. 59; R. S. O. c. 150.) 45

Transfer of shares in Co-operative Associations.

33. Section 10 of *The Act Respecting Co-operative Associations* is amended by inserting after the word "transferable" the following words: "unless the rules provide for their transfer;" and by cancelling the word "but" in the sixth line of the same section. (R. S. O. c. 158.) 50

Public Service Act.

34. The sections of *The Public Service Act, 1878*, numbered 35, 36, and 37, are repealed.

35. *The Creditors' Relief Act, 1880*, is amended, by cancelling the word "as" in the 12th line of section 5, and by adding to section 10 the following words: "And after payment in full of the taxed costs and the costs of the execution to the creditor at whose instance and under whose execution the seizure and levy were made."

Creditors' Relief Act, costs.

36. *The Creditors' Relief Act, 1880*, is amended by adding to section 7 the following.

43 V. c. 10, s. 7 amended.

(35) If either before or after the receipt by the sheriff of an execution against the goods or lands of a debtor, a writ of attachment under the Act respecting absconding debtors is placed in the hands of the sheriff before he distributes the estates of the debtor, the sheriff shall realize the estate of the debtor, as provided by *The Absconding Debtors' Act*, but the same when so realized shall be distributed under the provisions of this Act.

37. The said Act is further amended by inserting therein the following section:

Fund in Court to be paid to sheriff.

8a. Where there is in any Court a fund belonging to an execution debtor, or to which he is entitled, the same, or a sufficient part thereof to meet the claims in the sheriff's hands, may, on the application of the sheriff or any party interested, be paid over to the sheriff, and the same shall be deemed to be money levied under execution within the meaning of this Act.

38. Section 16 of *The Ontario Judicature Act, 1881*, is amended by the insertion therein of the following at the end of the 1st sub-section of the said 16th section:

Jurisdiction as to validity of Provincial Statute.

(a) The High Court shall have jurisdiction to entertain an action at the instance of either the Attorney-General for the Dominion, or the Attorney-General of this Province for a declaration as to the validity of any statute, or any provision in any statute, of this Legislature, though no further relief should be prayed or sought; and the action shall be deemed sufficiently constituted if the two officers aforesaid are parties thereto. A judgment in the action shall be appealable like other judgments of the said Court.

(b) (Subject to appeal as in other cases,) the High Court shall have power to relieve against all penalties, forfeitures and agreements for liquidated damages, and in granting such relief to impose such terms as to costs, expenses, damages, compensation and all other matters as the Court thinks fit. The County Courts and Division Courts shall have like power (subject to appeal) in regard to causes of action within their jurisdiction. (See Taylor's Equity Jurisprudence, c. 36, p. 452, s. 1084 *et seq.*; Imp. 44 and 45 Vic. c. 41, s. 14; R. S. O. c. 40. ss. 49; *Administration of Justice Act, 1885*, s. 16.)

Relief against penalties, etc.

(c) No appointment, which after the passing of this Act is made in exercise of a power to appoint any property real or personal amongst several objects, shall be adjudged to be invalid on the ground that any object of such power has been altogether excluded, and an appointment shall be valid and effectual notwithstanding that one or more of the objects shall not thereby or in default of appointment take a share or shares of the property which is subject to the power.

Appointment under powers.

But nothing in this sub-section shall prejudice or affect any provision in any deed, will, or other instrument creating a power, which shall declare the amount or the share or shares from which no object of the power shall be excluded, or shall declare some one or more object or objects of the power who shall not be excluded. (Imp. 37 and 38 Vic. c. 37.)

44 V. c. 5, s. 36, amended.

39. Section 36 of the said Act is amended by striking out the words: "except orders made in the exercise of such jurisdiction as by law belongs to him."

44 V. c. 5, s. 70, amended.

40. Section 70 of the said Act is amended by adding thereto the following words:

"And such other offices connected with the administration of Justice as the Lieutenant-Governor in Council may from time to time direct."

41. The said Act is further amended by inserting the following:

Stenographic writers.

73a. The stenographic writers heretofore appointed, or who shall hereafter be appointed by the Lieutenant-Governor to report trials at sittings of the High Court, or of a County Court, shall be officers of the Court to which they are appointed, and shall hold office during the pleasure of the Lieutenant-Governor, and shall perform such other duties as may be assigned to them by rule of Court, or order of the Lieutenant-Governor in Council.

(2) Every such reporter shall take the following oath before one of the Judges of the High Court to which he is appointed, and the same shall be filed:

I (A. B.) do solemnly and sincerely promise and swear that I will faithfully report the evidence and proceedings at the trial in each case in which it may be my duty to act as shorthand reporter. So help me God.

Interpleader, when there are writs from different Courts.

42. Section 1 of *The Act respecting Interpleader*, passed in the 44th year of the reign of Her Majesty, chaptered 7, is amended by striking out the words "one of the Superior Courts of law," and inserting the following: "the High Court, or under executions or attachments in the sheriff's or other officer's hands, issued out of different County Courts, or out of one or more County Courts, and one or more Division Courts;" and by adding to the said section 1 the following sub-section:

(a) The Judge making the order shall have the like powers as are provided in section 13 of the revised Act respecting Interpleading with regard to proceedings therein mentioned. (R. S. O. c. 54.)

Fees of officer.

43. Section 2 of the *Act to Regulate the Fees of Certain Officers and others*, is amended by striking out the words "except the County of York." (44 Vic. c. 8.)

Advances to constables in the case of special services.

44. The Act intituled *An Act to Promote the Detection of Crime* is amended by inserting the following after section 1 of the said Act;

50

(2) Where the Warden and County Attorney aforesaid deem necessary or expedient, they may direct the Treasurer of the County to advance to the constable or other person, such sum or sums from time to time as they may name, for the purpose of paying the reasonable and necessary expenses incurred or to be incurred by such constable or other person in the performance of the special services aforesaid; and the Treasurer of the County shall pay such sum or sums upon the written order of the Warden and County Attorney, and shall deduct the amount thereof from the subsequently certified account of the constable or other person employed. (48 Vic. c. 18.)

45. *The Land Titles Act, 1885*, is amended as follows:— Land Titles Act.

(1) Section 15 is amended by inserting after the word “unexpired,” in the seventh line the following words: “or in respect of which the lessee or his assignors is or are entitled to a renewal term or succession of terms amounting with the portion unexpired of the current term to twenty-one years or over, or to a renewal for a life or lives.” Lessees who may apply.

(2) Section 55 is amended by substituting 3 for 21, in the fifth line of the said section.

(3) Section 78 is amended by substituting for the words “beyond seas,” the words “from Canada.” Absent parties.

46. The said Act is further amended by inserting the following:—

67a. In the case of land registered under *The Land Titles Act, 1885*, if a person entitled to a lien on such land, under the Acts relating to mechanic’s liens, shall lodge a caution, supported by an affidavit to the same effect, as is required for registration under the said last mentioned Acts, such caution shall have the same effect as registration has under the said *Mechanics’ Liens Acts*, and be enforced within the same time, and discharged in like manner. (R. S. O. c. 120; 45 Vict., c. 15; 47. Vict., c. 18.) Lien same as Mechanics’ Liens Act.



47. The following section is added to *The Land Titles Act*, and is to follow 67a:—

67b. In such case it shall not be necessary to register a certificate of the commencement of proceedings to realize the lien, but unless proceedings are taken within the time limited by *The Mechanics’ Lien Acts*, the lien shall cease. (R. S. O. c. 120, s. 20; 48 V. c. 22, s. 66.) Proceedings to realize lien.

48. Section 1 of the *Act respecting Saw Mills on the Ottawa River* is amended by adding thereto the following sub-section:—

(5) In cases where damage from the same cause continues, the party may apply from time to time, in the same action, for the assessment of subsequent damages, or any other relief to which by subsequent events he may from time to time become entitled. (48 V. c. 24, s. 1; Attorney-General vs. Keily, 22 Grant, 458.)

48 V. c. 49, ss.
87 & 88
amended.

 49. Sections 87 and 88 of *The Public Schools Act, 1885*, are amended by inserting after the word "section" in the seventh line of said section 87, and after the word "section" in the sixth line of said section 88, the following words: "or against the refusal or neglect of the municipal council to appoint an arbitrator on the petition of five ratepayers of the municipalities concerned." 

No. 135.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act for further improving the Law.

*(Reprinted as amended by Committee of
the Whole House.)*

First Reading,	3rd March, 1886.
Second "	16th " 1886.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to further amend the Division Courts Act,

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The following provisions shall apply to and in respect of any action brought in a Division Court;

(1) The Judge may, at any time after action commenced, upon the application of either party, and upon such terms as may appear to him to be just, order that the name of any party who ought to have been joined in the action as a defendant shall be added as a party defendant. Adding parties defendants.

(2) If it shall appear to the judge, either before or at the trial of any action, that any party ought to be added as a party defendant in order that the Court may settle all rights and questions involved in the action, the Judge may order such person to be added accordingly.

(3) Every person whose name is so added as a defendant shall be served with a copy of the writ of summons, the original summons being first properly amended, and the proceedings against any such added defendant shall be deemed to have been commenced from the date of the order making him a party defendant; but if the application to add a defendant be made at the trial, the Judge may make the order in a summary manner, and may dispense with the service of a copy of the summons upon such defendant, if such defendant or his solicitor consent thereto upon such terms as to costs or an adjournment of the trial, as to the Judge shall appear just. Service on parties added.

(4) Where partners are sued in the name of their firm, the summons may be served on one or more of the partners and subject to the provisions in the next two sections contained, such service shall be deemed good service upon the firm; but the affidavit of the service of the summons shall state the name of the partner served. Service on partners.

(5) Where a judgment is against partners in the name of the firm, execution may issue in the manner following:— Execution upon judgments against partners.

(a) Against any goods of the partners.

(b) Against the goods of any person who has admitted in the notice of dispute or defence filed that he is or who has been adjudged a partner.

(c) Against any person who has been served as a partner with a copy of the summons and who has failed to appear.

Judgments
against indi-
vidual
partners.

(6) Upon the trial of an action against a firm, if the plaintiff is desirous of obtaining a judgment against the individual partners other than the one served with a copy of the summons and in addition to his judgment against the firm, he may procure the addition of the remaining partners as defendants under sections 1 and 3 and thereafter proceed to judgment against them in the action as in other cases. 5

No. 136.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to further amend the Division
Courts Act.

First Reading, 3rd March, 1886.

MR. FRASER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting Snow Fences.

WHEREAS, serious obstruction to winter travel on many of the highways in the Province is caused by the accumulation of snow-drifts, and it is desirable to make further provision with the view of enabling Municipal Councils to obviate such obstructions ;

Preamble.

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. The Council of every township, city, town or incorporated village, shall have power, on and after the fifteenth day of November in each year, to enter into and upon any lands of Her Majesty, or into and upon any lands of any corporation or person whatsoever, lying along any road or public highway in or adjoining the said municipality, and to erect and maintain snow fences thereon, subject to the payment of such damages (if any) as may be actually suffered by the owner or owners of the lands entered upon, the amount thereof to be ascertained, if not mutually agreed upon, by arbitration, under *The Consolidated Municipal Act, 1883*; provided, always, that such snow fences so erected shall be removed on or before the first day of April following.

Power to municipalities to erect snow fences.

No. 137.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting Snow Fences.

First Reading, 4th March, 1886.

MR. CARNEGIE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 138.]

BILL.

[1886.

An Act to Amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Sub-section 17, of section 6 of *The Assessment Act*, R. S. O. c. 180,
5 is amended by inserting between the word "Province" and s. 7, sub-s. 17,
the word "but," in the third line of said sub-section 17, the
following words: "and the stock held by any person in any
incorporated Company, whose personal estate is liable to assess-
ment in this Province."

No. 138.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Assessment Act.

First Reading, 4th March, 1886.

Mr. MONK.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Amend the Assessment Act.

HER MAJESTY, by and with the advise and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 2 of section 6 of *The Assessment Act* is hereby
5 amended by adding at the end thereof the words "except to
the extent of the interest of the tenant, or occupant in the
same." R. S. O. c. 180,
s. 6, sub-s. 2,
amended.
2. Sub-section 12, of section 6 aforesaid is hereby repealed,
and the following enacted in lieu thereof :— R. S. O. c. 180,
s. 6, sub-s. 12,
repealed.
- 10 (12) The houses and premises of any officers, non-commis-
sioned officers and privates of Her Majesty's Regular Army or
Navy in actual service, while occupied by them, and not ex-
ceeding \$2,000 in value; and the full, or half-pay of any one
in either of said Services, and any pension, salary, gratuity or
15 stipend derived by any person from Her Majesty's Imperial
Treasury, or elsewhere out of the Dominion of Canada; and
the personal property of any person in such Naval or Military
Services on full pay or otherwise, in actual Service. Exemption of
land occupied
by military or
naval officers
and their pay,
etc.
- 20 3. Sub-section 3, of section 3, of *The Act Respecting Muni-
cipal Assessments and Exemptions*, passed in the 43rd year of
Her Majesty's reign, and chaptered 27, is hereby repealed. 43 V. c. 27, s.
3, sub-s. 3,
repealed.
4. Section 45 of *The Assessment Act*, as the same is amended
by section 20 of the said *Act Respecting Municipal Assess-
ments and Exemptions*, is hereby amended by inserting after
25 the word "taxes," occurring in the second line thereof, the
words "and of all local improvements, assessments, rents and
rates." R. S. O. c. 180,
s. 45; 43 V. c.
27, s. 20,
amended.
5. Section 12 of *The Assessment Amendment Act, 1885*, is
hereby amended by adding at the end thereof the words "but
30 shall apply only to clergymen or ministers, and their regular
assistants in actual charge of a congregation." 48 V. c. 42, s.
12, amended.
6. Section 128 of *The Assessment Act* is hereby amended by
inserting after the word "years," in the third line of said
section, the words "or to limit to a less term than three years." R. S. O. c. 180,
s. 128,
amended.
- 35 7. Section 44 of the said Act is hereby amended by striking
out the words "separate from the county," in the first line
thereof, and substituting the words "and incorporated villages,"
also by striking out the word "or" in the eighth line of said
section, and inserting between the words "Town" and "clerk"
40 in the same line the words "or village." R. S. O. c. 180,
s. 44, amended.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Assessment Acts.

First Reading, 4th March, 1886.

Mr. BALFOUR.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to amend the Act respecting the application of the Religious Institutions Act to the Church of England.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The Act passed in the 41st year of Her Majesty's reign 41 V. c. 25, s. 1 (42 V. c. 37), amended.
 5 intituled "An Act to extend the Religious Institutions Act to the Church of England," as amended by the Act passed in the 42nd year of Her Majesty's reign, chapter 37, is hereby amended by adding as sub-sections four and five to section one of the said Act the following:
 - 10 (4) In cases of property vested in the Bishop of any Diocese Property vested in the Bishop in trust.
 in trust, not covered by the preceding sub-section, the Bishop shall also be deemed and taken to be a Trustee by whom the like powers of Trustees under the said Revised Statute respecting Religious Institutions may be exercised equally, as in the
 15 case of such Trustees; subject, however, to the provisions contained in section 2 of this Act.
 - (5) In cases of property vested in the Synod of any Diocese Property vested in the Synod in trust.
 within the Act passed in the 7th year of Her Majesty's reign, chapter 68, intituled "An Act to incorporate the Church
 20 Societies of the United Church of England and Ireland in the Dioceses of Quebec and Toronto," and the Act passed in the 32nd year of Her Majesty's reign, chapter 51, intituled "An Act to incorporate the Synod of the Diocese of Toronto and to unite the Church Society of the Diocese of Toronto there-
 25 with," the Synod shall also be deemed and taken to be a Trustee, bywhom the like rights and powers of Trustees under the said Revised Statute respecting Religious Institutions may be exercised equally, as in the case of such Trustees; subject, however, to the provisions contained in section 2 of
 30 this Act, and the powers of the Synod under this sub-section may be exercised by and through such Boards and Committees as the Synod may, from time to time, by By-law appoint for that purpose.

No. 140.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Act respecting the application of the Religious Institutions Act to the Church of England.

First Reading, 4th March, 1886.

MR. HARDY.

TORONTO:

PRINTED BY WAEWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Amend the Act Respecting Cemetery Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Any company incorporated under the provisions of chapter 170 of the Revised Statutes of Ontario, may take and hold by gift, assignment, devise, bequest or otherwise, any moneys or securities, and apply the same in the same manner as any other moneys of the company in preserving, improving and embellishing the cemetery of such company, upon the condition and in consideration of the company's assuming and undertaking the duty and obligation of preserving and maintaining in a proper manner forever, any particular lot or lots, tomb or tombs, monument or monuments, enclosure or enclosures, in such cemetery or in any other cemetery or burying ground in the same, or in any other municipality in the same county, and any person or persons may make such gift, assignment, devise or bequest, to such company upon such conditions and for such considerations.

2. Every such company is hereby empowered to enter into agreements binding the company to preserve and maintain in a proper manner for all time to come, such particular lot or lots, tomb or tombs, monument or monuments, enclosure or enclosures in any such cemetery or burying ground designated in such gift, assignment, devise, bequest or agreement.

3. Any executor or executors, administrator or administrators, trustee or trustees, may pay over and transfer to any such company any moneys or securities in their hands, as well moneys or securities devised to them, or which they are by the will of their testator, or other instrument, directed to invest for the like purpose, as moneys and securities of the estate of the testator or intestate, upon such company's entering into an agreement to the effect of that mentioned in section 2 of this Act in respect of the lot or lots, tomb or tombs, vault or vaults, monument or monuments, enclosure or enclosures, designated in such agreement.

4. Payment by such executors or trustees to such company upon such agreement, shall be held to be a valid and proper investment of moneys devised to them, or which they are by such will directed to invest, to provide an income to keep up and maintain any such lot, tomb, monument, enclosure or burying place, and upon such payment and transfer and upon

the execution of such agreement such executors, administrators and trustees, shall be held to have sufficiently performed such trust, and shall be relieved from all personal liability in respect of the application of such moneys and the fulfilment of such agreement, but they shall retain the right to enforce the fulfilment of such agreement by the company. 5

5. The directors of such company shall not be personally liable under the said agreement except for their own wilful neglect or default.

No. 141.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting Cemetery Companies.

First Reading, 6th March, 1886.

Mr. CALDWELL.

TORONTO:

PRINTED BY W. LEWIS & SONS, 26 AND 28 FRONT ST. W.

An Act to Amend the Act Respecting Cemetery Companies.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Any company incorporated under the provisions of Cemetery
5 chapter 170 of the Revised Statutes of Ontario, may take and Company may
hold by gift, assignment, devise, bequest or otherwise, any accept devises,
moneys or securities, and apply the same in the same manner gifts, etc.
- 10 condition and in consideration of the company's assuming and
undertaking the duty and obligation of preserving and main-
taining in a proper manner forever, any particular lot or lots,
tomb or tombs, monument or monuments, enclosure or en-
closures, in such cemetery or in any other cemetery or burying
15 ground in the same, or in any other municipality in the same
county, and any person or persons may make such gift,
assignment, devise or bequest, to such company upon such
conditions and for such considerations.
2. Every such company is hereby empowered to enter into
20 agreements binding the company to preserve and maintain in May agree to
a proper manner for all time to come, such particular lot or keep lots, etc.,
lots, tomb or tombs, monument or monuments, enclosure or in good condi-
tion.
enclosures in any such cemetery or burying ground designated
in such gift, assignment, devise, bequest or agreement.
- 25 3. Any executor or executors, administrator or administra- Executors
tors, trustee or trustees, may pay over and transfer to any may pay over
such company any moneys or securities in their hands, which bequest.
they are by the will of their testator, or other instrument,
directed to apply for or toward the purposes in this Act
specified.

No. 141.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting
Cemetery Companies.

*(Reprinted as amended by Select
Committee.)*

First Reading, 6th March, 1886.
Second " 15th March, 1886.

Mr. CALDWELL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to Amend the Municipal Act.

HER Majesty by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 490 of *The Consolidated Municipal Act, 1883*, is 46 V., c. 18, s. 5 hereby amended by adding the following sub-section thereto: 490, amended.

(6 a) For licensing, regulating and governing traders, agents and other persons whose names have not been duly entered on the assessment roll in respect of income or personal property for the then current year; and who may offer goods or merchandise of any description for sale in any manner conducted by themselves, their agents or otherwise; but no such by-law shall affect, apply to, or restrict the sale of an insolvent estate which is being sold or disposed of within the County in which the insolvent carried on business therewith at the time of the issue of a writ of attachment or of the execution of an assignment.

2. Sub-section (3) of section 495 of the said Act is amended by adding after the word "Chapmen" in the second line of said sub-section the words "Milk Vendors and Bakers" and by striking out of said sub-section all the words after the word "by-laws" in the thirteenth line thereof.

3. Section 435 of the said Act is amended by adding after the word "Police" in the second line of said section the words "and such Board shall consist of the Mayor and two Aldermen who shall be elected by the Council at its first meeting in each year, the Judge of the County Court of the County in which the City is situate and the Police Magistrate," and by striking out the words "City or" in the fifth line of said section.

4. Section 445 of the said Act is amended by adding thereto the following words: "Provided that such Council may, by resolution to be carried by a two-thirds vote, before the first day of March in any year, limit the expenditure of such Board of Commissioners in respect of the matters mentioned in this section and the Board of Commissioners shall not in any year authorize the expenditure of a larger sum than the amount so limited."

5. The Board of Commissioners of Police shall in Cities pass by-laws from time to time:

1. For licensing and regulating "second-hand" stores, and "junk" stores, or shops, retail cigar and tobacco stores, or shops, and the owners and keepers thereof;

Board of Commissioners of police to pass by-laws.

2. For licensing and regulating hackmen, carters, porters, and the owners of livery stables, and the owners and drivers of all horses and vehicles, and all vehicles kept for hire for the carriage of passengers and property, goods, wares and merchandize, and for fixing the rates of compensation to be taken by them, and for providing for enforcing payment of such rates; 5

3. For licensing and regulating suitable persons to keep intelligence offices, for registering the names and residences of, and giving information to or procuring servants, labourers, workmen, clerks or other employees, for employers in want of the same, or any of them, and for registering the names and residences of, and giving information to or procuring employment for domestic servants and other labourers, and any other class of servant, workman, clerk or person, seeking employment, and for fixing the fees to be recovered by the keepers of such offices; 10 15

4. For limiting the duration of or revoking any such license, prohibiting the opening or keeping of any such intelligence office within the city limits without license; 20

5. For licensing and regulating theatres, music halls, opera houses, and other public places of amusement, and the owners, lessees, managers and keepers thereof, and for licensing and regulating the exhibition of shows of every kind, and of theatrical representations; 25

6. For licensing and regulating bill posters;

7. For licensing and regulating milk vendors, and punishing fraudulent vendors;

8. For prescribing the terms and conditions on which licenses shall be granted, the license fee to be paid therefor, and prohibiting all unlicensed persons from acting in any capacity requiring a license under the provisions of any by-law passed by them. 30

46 V. c. 18, s. 621, amended. **6.** Section 621 of the *Consolidated Municipal Act, 1883*, is hereby amended by striking out all the words after the word "improvement" where it occurs in the seventh line of said section. 35

Power to guarantee local improvement debentures.

7. In the matter of by-laws passed, or to be passed for works payable by local assessment, in order to facilitate the negotiation of debentures issued thereunder, and add to their commercial value, it shall be lawful for the Council of any city town, or incorporated village, to declare that the debt to be created on the security of the special rate settled by the by-law is further guaranteed by the city at large, anything contained in sub-section (d) to section 343, of *The Consolidated Municipal Act, 1883*, to the contrary notwithstanding. 40 45

Local improvement notices given in one year may be acted on by council of succeeding year.

8. In any case when notice of a proposed improvement, work or service, to be paid for by special assessment as a local improvement, has been given by any council of any city, pursuant to the provisions of chapter 174 of the Revised Statutes of Ontario, or of *The Consolidated Municipal Act, 1883*, or any amending Act or Acts, and no petition sufficiently signed has been presented to the said council or to the succeeding 45

council against such proposed improvement, work or service and assessment within the time limited in that behalf by the said Act, it shall be lawful for the said council, or for the council of any succeeding year, to carry on the proposed work, improvement or service to completion, before making the assessment therefor; and such notice, so given, shall stand good as authority for undertaking any such work, improvement or service, and making such assessment or assessments, and passing all necessary by-laws, whether the same shall have been or shall be undertaken and completed by the council giving such notice or by the council of any succeeding year; and all notices heretofore given by any such council of any such improvements, works or services and assessments therefor, pursuant to section 4 of the Act passed in the 45th year of the reign of Her Majesty, chaptered 23, or of *The Consolidated Municipal Act, 1882*, and amending Acts, are hereby confirmed and declared valid and binding on all real property affected thereby, and all assessments made and all by-laws passed, or hereafter to be passed, to provide moneys for redeeming any temporary loan or paying off any debt contracted for any improvement, work or service, undertaken and completed pursuant to any such notice or notices, are hereby declared to be good, valid and binding assessments and by-laws, subject to compliance with the other provisions of *The Consolidated Municipal Act, 1882*, and amending Acts, relating to the making of special assessments and passing by-laws for local improvements.

9. All by-laws heretofore passed by the council of any city for borrowing money on the general credit of the city to provide for the payment of such city's share of local improvements, works and services, and for borrowing money by the issue of debentures secured by special assessment on the real property benefited by such improvements, works and services, where no petition sufficiently signed has been presented to the council against such improvement work or service, and assessment within the time limited by *The Consolidated Municipal Act, 1882*, are hereby declared valid and effectual.

By-laws for local improvements confirmed.

10. The council of any city, town or incorporated village may pass by-laws:

1. For increasing the amount of the license fees to be paid by pawnbrokers, and requiring them to give securities for the goods pledged with them for loans. Pawnbrokers.
 2. For licensing and regulating plumbers, and for securing improving and maintaining the sanitary state and condition of the City by the construction and maintenance of a complete system of drainage, and the adoption of all proper and sufficient sanitary measures and improvements, in ventilation, drainage and plumbing, and compelling the use thereof by the owners, lessees and occupants of real property and providing for the proper inspection, maintenance and repair thereof, after such adoption by such owners, lessees and occupants, and for the appointment of inspectors of plumbing and examiners of applicants for plumbers' licenses, and for the registration of the plans, drawings, profiles and specifications, showing the plumbing and drainage upon and in all premises and buildings, and providing for the inspection of all plumbing work and material, and the maintenance and repair thereof, and for securing the
- Plumbers.

sanitary condition of buildings, and for making better provision for securing the inmates and employees in all factories, hotels, boarding and lodging houses, warehouses, theatres, music halls, opera houses and other public buildings and places of amusement against accident by fire, and providing for the adoption and erection of proper fire escapes upon all such buildings more than two stories in height. 5

Water supply. 46 V. c. 18, s. 503, amended. 11. Section 503 of *The Consolidated Municipal Act, 1883*, is hereby amended by striking out the words "subject to" where they occur in the second line thereof, and by substituting therefor the word "notwithstanding." 10

46 V. c. 18, s. 503, sub-s. 9, amended. 12. Sub-section (9) of said section is hereby amended by adding thereto the words "and for compelling the measuring and weighing, as the case may be, of such lime, shingles, laths, cordwood, coal and other fuel." 15

No. 142.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 8th March, 1886.

MR. BASKERVILLE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act to Amend the High Schools Act, 1885.

HER Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 34 of *The High Schools Act, 1885*, is repealed and
5 the following substituted in lieu thereof : 48 V., c. 50, s.
34, repealed.

34. The Municipal Council of every City and Town, shall
levy and collect upon the taxable property within the Muni-
cality, in the manner provided in this Act, and in the Municipal
and Assessment Acts and amendments thereto, such sums as
10 may be required by the High School Board for the main-
tenance and accommodation of the High Schools ; provided
always that for each year such sums shall be limited to an
amount that may be raised by a levy upon the taxable property
within the Municipality of three-eighths of a mill in the dollar
15 unless the Municipal Council by a two-thirds vote consent to
levy and collect the sums required by said Board without
limitation of the amount ; subject in all cases to section 35
of this Act.

No. 143.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the High Schools Act, 1885.

First Reading, 8th March, 1886.

MR. BASKERVILLE.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 MOUNT ST. W.

An Act to amend the Public School Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 119 of *The Public School Act, 1885*, is repealed ^{48 V. c. 49,}
5 and the following substituted in lieu thereof: ^{s. 119.}

“The Municipal Council of every city, town and incorporated village, shall levy and collect upon the taxable property within the municipality, in the manner provided in this Act, and in the Municipal and Assessment Acts and amendments
10 thereto, such sums as may be required by the public school trustees for school purposes: provided always that for each year such sums shall be limited to an amount that may be raised by a levy upon the taxable property within the municipality of three mills in the dollar, unless the Municipal
15 Council by a two-thirds vote consent to levy and collect the sums required by said trustees without limitation of the amount, subject in all cases to section 134 of this Act.”

Assessment
for school
purposes.

No. 144.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Public School Act.

First Reading, 8th March, 1886.

Mr. BASKERVILLE.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 145.]

BILL.

[1886.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 24 of *The Municipal Amendment Act of 1885*, is 48 V. c. 39, s. 5 hereby amended by adding to sub-section 7 the following 24, amended. words: "Provided however that no such by-law shall take Disposal of effect until assented to by the local municipality or municipalities affected, or until the same shall have been approved by the toll roads. Lieutenant-Governor in Council," and this proviso shall apply 10 to all by-laws heretofore passed under the provisions of the said section 24.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 8th March, 1886.

MR. CHISHOLM.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

[No. 146.]

BILL.

[1886.]

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. The council of any county may by by-law provide that
5 in townships and incorporated villages within the county
arrears of taxes on non-resident lands, shall be collected and
managed in the same way as is now provided in respect of all
arrears of taxes in cities and towns; and the treasurer and
reeve of every township or incorporated village, shall for the
10 purposes of the sale of any such lands, perform the like duties
as are by *The Assessment Act* imposed on the county treasurer
and warden respectively in the case of the sale of lands for taxes.
R.S.O. c. 180, s. 185.
- Sale for taxes
of non-res-
ident lands in
townships and
villages.

No. 146.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Assessment Act.

First Reading, 8th March, 1886.

Mr. GILLIES.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Amend the Assessment Act.

HER MAJESTY, by and with the advise and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 22 of section 6 of *The Assessment Act* is hereby repealed. R. S. O. c. 180,
s. 6, sub-s. 22,
repealed.

2. Sub-section 2 of section 1 of an *Act Respecting Municipal Assessments and exemptions* being chapter 27 of the Acts passed in the 43rd year of the reign of Her Majesty, Queen Victoria, is hereby repealed and the following substituted in lieu thereof : 43 V., c. 27,
s. 1, sub-s. 2,
repealed.

(2.) The shareholders of a bank or of a company which invests the whole or the principal part of its means in gas works, plank or gravel roads, railway and tram-roads shall be assessed on the income derived from such companies. Assessment of
banks, etc.

3. All street railway companies doing business and running cars, coaches or sleighs on the streets of any city shall be liable to be assessed and taxed at a rate not exceeding \$50 on each car, coach or sleigh used by them in their said business. Assessment of
street rail-
ways.

4. Sub-section 3 of section 3 of the said *Act Respecting Municipal Assessments and Exemptions* is hereby repealed. 43 V., c. 274,
s. 3, sub-s. 3,
repealed.

5. The personal property of any gas company shall hereafter be assessed against the company in the same manner as if the company were an unincorporated company or partnership, and all gas mains and pipes, lamp posts and fixtures therewith connected, and all other property of and belonging to the said company situate in the streets, public squares, and other places in any city, and not included under the word real estate, as defined by *The Assessment Act* and amending Acts, is hereby declared to be personal property, and to be assessable under this enactment. Assessment of
property of
Gas Company.

No. 147.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Assessment Act.

First Reading, 8th March, 1886.

MR. BASKERVILLE.

TORONTO :

PRINTED BY WEAVER & SONS, 26 AND 28 FRONT ST. W.

No. 148.]

BILL.

[1886.

An Act to Amend The General Road Companies Act

HER MAJESTY, by and with the advise and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 150 of *The General Road Companies Act* is hereby repealed and the following substituted therefor:—

R. S. O. c. 152
s. 150, re-
pealed.

150. Any municipality or municipalities interested, may purchase the stock of any company at the value thereof at the time of purchase, provided that in valuing the stock of a company, whose road has not been completed for a period of twenty-one years, allowance shall be made for any prospective profits which would be likely to accrue to the owners of such stock between the time of purchase and the expiration of twenty-one years from the first completion of such road.

Purchase of
stock of com-
panies by mu-
nicipalities.

No. 148.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend The General Road Companies Act.

First Reading, 8th March, 1886.

ALF. LEES.

TORONTO:

PRINTED BY WARREN & SONS, 26 AND 28 FRONT ST. W.

An Act to Amend The Act Respecting the Incorporation of Joint Stock Companies by Letters Patent.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

- 1.** Section 150 of chapter 152 of the Revised Statutes of R. S. O. 152,
5 Ontario is hereby amended by adding to the said section the ^{s. 150,} amended.
following: "provided always that any such municipal authority
may purchase on the terms aforesaid and for the purpose aforesaid the stock of any such road company before the expiration of
twenty-one years from the time of the completion of such road,
10 but in such case allowance shall be made for any prospective
profits which would be likely to accrue to the owners of such
stock between the time of purchase and the expiration of
twenty-one years from such completion."

BILL.

An Act to amend the Act respecting the
Incorporation of Joint Stock Companies
by Letters Patent.

*(Reprinted as amended by Select
Committee.)*

First Reading,	8th	March,	1886.
Second	"	15th	" 1886.

Mr. LEES.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Municipal Act.

WHEREAS, it is expedient to facilitate the acquiring of Preamble.
Toll Roads by the municipalities, or portions of municipalities, interested therein :

Therefore Her Majesty, by and with the advice and consent
5 of the Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 627 of *The Consolidated Municipal Act, 1883*, is 46 V., c. 18, s. 627, repealed.
hereby repealed and the following substituted therefor :—

627—(1) A county council may, by by-law, assume or acquire County may by by-law acquire roads and other works within or adjacent to one or more townships, etc., and may levy special rate for improving same.
10 any toll or other road, bridge or other public work, lying within
or adjacent to one or more townships, or incorporated towns or
villages, and may, by by-law, raise by way of loan a sum of
money for the purchase or improvement of such road, bridge or
public work, to be repaid by a special assessment on all the
15 ratable property within the municipalities, or portions of municipalities, which shall be immediately benefited by such road,
bridge or public work ;

(2) Such by-law shall state the amount to be raised for such Particulars which by-law is to contain.
work, and shall define the municipalities, or portions of municipalities, to be affected by said by-law, and the roads to be
20 acquired or the portion of work to be performed in each municipality, and shall provide for the raising of the said amount
by the issue of debentures of the county, payable in twenty
years, or by equal annual instalments of principal and interest,
25 and shall provide for assessing and levying upon all the ratable property lying within the section defined in such by-law an
annual special rate sufficient for the payment of the principal
and interest of the debentures ;

(3) Such by-law shall, if approved by a majority of the By-law to be submitted to ratepayers in portion of county affected.
30 representatives in the county council of the municipalities
which are defined in said by-law, or if petitioned for by twenty
ratepayers entitled to vote on money by-laws in each municipality or portion of a municipality interested, be submitted
to the vote of the qualified ratepayers in the portion of said
35 county to be affected by said by-law who are entitled to vote
on money by-laws ;

(4) In case a majority of all the votes cast shall be in favour If by-law carried council to pass the same.
of the said by-law, it shall be read a third time and passed at
the next succeeding meeting of the county council ;

40 (5) Cities and towns separated from the county may, with
the approval of the ratepayers qualified to vote on money
by-laws, pass similar by-laws to assist in the purchase of any
toll roads, in which the said cities or separated towns may Cities and towns separated from counties may pass similar by-laws.

be interested, or may pass by-laws abolishing the market fees charged by them, on condition that certain toll roads therein named, are made free.

General provisions to apply to voting, etc.

(6) In all other respects the voting on such by-laws and subsequent proceedings thereon shall be in accordance with the provisions of this Act; 5

Roads to be free of tolls, etc.

(7) All roads so acquired, shall thereafter be free from all tolls and rates, and shall be maintained by the municipalities responsible therefor under the provisions of this Act.

No. 149.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 8th March, 1886.

Mr. LEES.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FROST ST., W.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 68, of *The Consolidated Municipal Act, 1883*, is hereby repealed, and the following enacted in lieu thereof: 46 V. c. 18, s. 68, repealed.

68. The council of every city shall consist of the mayor, who shall be the head thereof, and three aldermen for every ward, when there are less than ten wards, and of two aldermen when there are more than ten wards, to be elected in accordance with the provisions of this Act. City Councils.

2. In any case where the resident freeholders of any city or town, to the number of at least one hundred, petition the council, alleging the expedience of, and praying that, a new division into wards may be made of the city or town, without reducing the number of wards, or that such new division may be made reducing the number of wards to nine or less, it shall be the duty of the council, and the council shall, at the time of the holding of the next municipal elections, submit the question of such new division as prayed by the petition, to the vote of the persons entitled to vote at municipal elections, and in the event of a majority of the electors voting thereon, voting in favour of the petition, it shall be the duty of the council, and the council shall, within a reasonable time after the taking of the vote, sub-divide the city or town into wards, so as to give effect to the prayer of the petition, and vote of the electors; and such new division shall, so far as possible, be based upon assessed values of property, population, and territorial extent, and shall be given effect to, in accordance with the provisions of section 21 of *The Consolidated Municipal Act, 1883*, and amendments thereto. Reduction of number of wards in cities and towns.

3. In case any council neglects or refuses to make a new division of any city or town into wards, under the provisions of the last preceding section, for three months after the same shall have been voted upon, and approved of by the electors, and in case one-third of the members of the council, or one hundred of the duly qualified electors of the municipality, petition for a commission to issue under the Great Seal to enquire into the existing division of such municipality, into wards, and for a new division in accordance with the expressed wish of the electors, as evidenced by their vote to be taken in manner aforesaid, and if sufficient cause is shewn the Lieutenant-Governor in Council, may issue a commission accordingly, and Appointment of commission by Lieutenant-Governor.

the commissioner, or commissioners, or such one or more of them as the commission empowers to act, shall have the same power to summon witnesses, enforce their attendance, and compel them to produce documents, and to give evidence as any court has in civil cases.

5

Report to be made by commissioners.

4.—(1) The commissioners so to be appointed as aforesaid shall, within a reasonable time report a new division into wards of the municipality in accordance with the prayer of the petition, having regard to the provisions of this Act as to equality of representation, to the Provincial Secretary, who shall forthwith transmit a copy thereof to the council, and cause the same to be published for one month in the *Ontario Gazette*, and once in each week for four weeks in one or more newspapers published in the municipality, naming a day when the same will be taken into consideration by the Lieutenant-Governor in Council, when all parties interested, opposed thereto, and who petition to be heard, shall have an opportunity of being heard, and being represented by counsel in that behalf.

(2) The Lieutenant-Governor in Council may, within three months after the receipt of the report of the commissioners, by proclamation, divide the city or town, into wards, making such changes in the report of the commissioners as may seem expedient, but the number of wards, shall not exceed the number approved of by the vote of the electors.

(3) The expenses to be allowed for executing the commission, shall be paid by the municipality, pursuant to the provisions of section 386 of *The Consolidated Municipal Act, 1883*.

46 V. c. 18, s. 81, amended.

5. Section 81 of *The Consolidated Municipal Act, 1883*, is hereby amended by adding at the end thereof, the words: "but any person producing and leaving with the Deputy-Returning officer, at the time of tendering the vote, a certificate from the treasurer of the municipality, or the collector of taxes, shewing that the taxes, in respect to which the default had been made, have since been paid, shall be entitled to vote, and the Deputy-Returning officer, shall file the certificate, and receive the vote, and note the same on the defaulter's lists."

Powers of cities, towns and villages.

6. The council of any city, town, or incorporated village, may pass by-laws;

1. For defining areas or districts, within which no mill, factory, machine shop, blacksmith shop or forge, shall be erected, or other like industry, business or trade, be carried on or followed;

2. For compelling the use of water, supplied by the water works of the city, town, or village, for drinking and domestic purposes, within certain areas to be defined by by-law, and for prohibiting the use of spring or well water within such areas for such purposes.

Rights to restrict trades within special districts.

7. In case the majority in number of the persons, as shewn by the last revised assessment roll, to be the owners representing at least one-half in value, of all the real property situate within any district or area of any city, town, or incorporated village, described in the petition, do petition the council of the municipality, praying, that thereafter no person shall be per-

mitted to erect, set up or operate, any mill, factory, forge, machine shop, or blacksmith shop, or carry on any like calling or business, within the limits of the area, or district mentioned in the petition, it shall be the duty of the council, and the
 5 council shall forthwith, give public notice of the receipt of such petition, by publication of a notice in at least two of the newspapers published in the municipality, or in the case of villages, in a newspaper published in the village, or in the county town, and it shall be the duty of the said council, and
 10 they shall, within a reasonable time after the receipt of such petition, pass a by-law or by-laws, to give effect to the prayer thereof, and no person shall, after the publication of such notice, commence the erection of any new works, or the re-fitting and repair of any old works, for the purpose of carrying
 15 on any trade, business or calling, mentioned in such petition, and to be prohibited by any such by-law.

8. In case the resident freeholders of any city, town, or in- Local improv-
 corporated village, to the number of at least one hundred, petition the council, praying, that a by-law may be passed with
 20 the assent of the electors according to the provisions of *The Consolidated Municipal Act, 1888*, and amending Acts, directing that, all future expenditure in the municipality, for the improvements and services, or for any class or classes of im-
 25 provement or service, for which special provisions are made, in sections 612 and 624 of the said Act, and amending Acts, shall be provided for by special assessment on the property benefited, and not exempt by law from assessment, it shall be the duty of the council, and the council shall, within a reasonable
 30 time after the presentation of such petition, submit a by-law in accordance with the prayer of the petition, to the vote of the duly qualified electors, and in the event of the by-law being carried by a majority of the duly qualified electors voting thereon, it shall be the duty of the council, and the council shall, finally pass the same within a reasonable time
 35 after the taking of the vote thereon.

9. Upon the election of a new council, after having organ- Completion by
 ized, it shall take up and carry on to completion all by-laws new council
 reports and proceedings, which had been begun, or have been of matters
 under consideration by the council which preceded it, and it under con-
 40 shall not be necessary to begin *de novo* with any by-law, pro- sideration of
 ceeding, report, matter, or thing entertained by the preceding old council.
 council move, that the by-law, report, or other proceeding, matter or thing, be laid on the table for the consideration of,
 45 or to be passed by the council.

10.—(1) In case the council of any city, town, or incorporated Assessment
 village, shall, at any time pass a by-law or by-laws, with the for local im-
 50 assent of the electors, according to the provisions of section 620 of *The Consolidated Municipal Act, 1883*, and amending
 Acts, directing, that all future expenditure of the municipality for the improvements, works, and services, or for any class or
 classes of the improvements, works, and services, for which special provisions are made in sections 612 and 624 of the said
 Act, and amending Acts, shall be provided for, by special assess-
 55 ment on the property benefited, all real property in the munici-
 pality, not declared exempt from assessment or taxation, by

The British North America Act, 1867, shall, forthwith thereafter, become liable to be assessed, and shall be assessed for the various local improvements, works, and services, included in the by-law, or by-laws passed as aforesaid, notwithstanding any thing contained in section 6, of chapter 180 of the Revised Statutes of Ontario to the contrary. 5

(2) In the event of the passage of a by-law or by-laws, as above provided, all works of repair and maintenance, as well as works of construction, shall thereafter, be charged against, and provided for, by special assessment upon the property benefited, and the cost of all improvements, works, and services, at the intersection of streets, and all flankage allowances upon corner lots and other irregular shaped pieces of property, shall be charged against, and provided for, by special assessment upon the real property benefited within the area or district within which such street intersections are situate, as defined by by-law in that behalf. 10 15

46 V. c. 18,
s. 480,
amended.

11. Section 480 of *The Consolidated Municipal Act, 1883*, is hereby amended by adding at the end thereof, the following sub-section. 20

(2) The Judge of the County Court, holding such investigation, shall be entitled to receive, and shall be paid by the municipality requesting him to hold the investigation, the same fees which he would be entitled to receive for the services, if the matter had been referred to him as a referee under the provisions of *The Judicature Act*, and this enactment shall apply to pending investigations. 25

46 V. c. 18, s.
69, amended.

12. Section 69 of the said Act is amended by repealing the proviso at the end of the said section, and inserting the following in lieu thereof: 30

46 V. c. 18,
s. 69, amended.

Provided always that the council of every town, having a population of less than 5,000, may upon a petition, of not less than 100 municipal electors, pass a by-law reducing the number of councillors for each ward, to one or two without the assent of the electors; and provided further, that the council of every town, having a population of 5,000 or upwards, may, upon a petition of not less than 100 municipal electors, pass a by-law, reducing the number of councillors for each ward, to one or two, but such by-law, before the final passage thereof, shall receive the assent of the electors of the municipality, in the manner provided for in section 294 and following sections of this Act. 35 40

46 V. c. 18,
s. 294,
amended.

13. Section 294 of *The Consolidated Municipal Act, 1883*, is hereby amended by striking out sub-section 3 thereof, and substituting the following therefor: 45

(3) Appended to such copy so published and posted shall be a notice signed by the clerk of the council, stating that such copy is a true copy of a proposed by-law which has been taken into consideration, and which will be finally passed by the council in the event of the assent of the electors being obtained thereto, after one month from the first publication in the newspaper, stating the date of the first publication, and that at the hour, day and place or places therein fixed for taking the votes of the electors, the polls will be held; 50

14. Section 329 of *The Consolidated Municipal Act, 1883*, 46 V. c. 18 is hereby amended by striking out the words "which submitted the same," occurring at the end thereof. ^{s. 329, amended.}

15.—(1) The council of any city and town may submit any by-law or question of local policy or interest to the electors thereof for their approval or otherwise ; ^{Submission of questions to electors.}

(2) When five hundred qualified electors, or one-tenth of all the qualified electors of any city or town petition the council thereof to submit any proposed by-law or question of local policy or interest to the electors thereof, the council shall forthwith submit as proposed a by-law, or pass a resolution directing the submission of such question in accordance with the prayer of the petitioners, and shall submit the same to the electors for their assent or opinion, within six weeks after receipt of the petition by the council.

(3) The council, before submitting such by-law or question, may require the petitioners, or some of them, to deposit with the Treasurer of the Municipality a sum sufficient to cover the probable cost of submitting the matter in question to the electors ; but the petitioners shall not be required to deposit a greater sum than \$1,000, and the unexpended portion of the same shall be returned to the petitioners depositing the same upon application therefor ;

(4) All provisions of *The Consolidated Municipal Act, 1883*, and amending Acts, in so far as they apply to elections, and the prevention of corrupt practices at elections shall apply to the proceedings taken under this section, except in so far as such Act or Acts would be inconsistent with this section.

16. Section 39 of *The Municipal Amendment Act, 1885*, is hereby amended by adding thereto the following sub-section : ^{48 V. c. 39, s. 39, amended.}

(5) Whenever in any township two or more portions thereof shall be so set apart as aforesaid, which shall adjoin, or lie contiguous to each other, the council of such township shall have power to pass a by-law uniting such separate divisions so previously set apart into one division, whereupon the said council shall have all the powers over, and relating to such united divisions, as if the whole area embraced within the limits of the several divisions so united had originally been set apart under the provisions of this Act in one parcel.

17. The council of every township may pass by-laws for all the purposes contained and embraced in section 612, and sub-sections thereto of *The Consolidated Municipal Act, 1883*.

No. 150.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 8th March, 1886.

MR. BADGEROW.

TORONTO:

PRINTED BY WARWICK & SONS, 25 AND 28 FRONT ST. W

No. 151.]

BILL.

[1886.

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Section 103 of *The Assessment Act*, is hereby amended
5 by adding the following thereto:

R. S. O. c.
180, s. 103,
amended.

And shall at the same time furnish the clerk of the
municipality, with a duplicate of such return, and the clerk
shall, upon receiving such return, mail a notice to each person
appearing on the resident roll, whose land appears to be in
10 arrears for that year.

Returns of
defaulters to
be made by
collectors to
clerk of
municipal-
ities.

No. 151.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Assessment Act.

First Reading, 8th March, 1886.

Mr. MORGAN.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. In case a petition, signed by five hundred qualified electors in cities, or by two hundred qualified electors in incorporated towns and villages, or by one hundred qualified electors in rural municipalities, is presented to the council of such city, town, incorporated village or rural municipality, asking for the construction of water-works under *The Municipal Water-works Act, 1882*: Provisions as to corrupt practices.

(1) It shall be the duty of such council to submit a by-law for the construction of such water-works, to the vote of the ratepayers of the said city, town, incorporated village or municipality, and such council shall, forthwith, prepare a by-law directing the submission of the question, in accordance with the prayer of the petitioners, and shall submit the same to the electors for approval, or otherwise, within six weeks after the receipt of the petition by the council;

(2) The council before passing such by-law, may require the petitioners to deposit with the treasurer of the municipality an amount sufficient to cover the probable cost of submitting the matter in question to the electors;

(3) In the event of the prayer of the said petitioners receiving the sanction and consent of a majority of the electors of such corporation, then the money so deposited, shall be, forthwith refunded to the petitioners;

(4) Should the prayer of the petitioners be rejected by a majority of the electors of such corporation, then the money so deposited, shall be forfeited to such corporation;

(5) The petitioners shall not be required to deposit a greater sum than \$500 in cities, and \$150 in towns and villages;

(6) The power of municipal councils shall not be deemed to be abridged by this Act, except as expressly stated herein;

(7) The proceedings in taking such vote, shall be the same, as nearly as may be, as are required by *The Consolidated Municipal Act, 1883*, in the case of by-laws creating debts.

2. If the by-law be approved of by the majority of such ratepayers, it shall be the duty of such council to pass the said by-law, and forthwith to proceed with the construction of such works. Council to pass by-law.

Power to
supply gas or
water to resi-
dents in
adjacent
municipality.

3. Any municipality constructing works under *The Municipal Water-works Act, 1882*, or any company incorporated for the supply of water or gas, or water and gas, shall have power to supply consumers in any municipality adjacent to the municipality constructing such works, or for the supply of which such company was incorporated, and to lay all necessary pipes for that purpose: provided, always, that before such pipes shall be laid along any street or road in such adjacent municipality, the consent of the council of the municipality for the supply of which the said works were constructed, shall be obtained, and also that the said streets or roads, shall be replaced, as nearly as possible, in the same condition as they were in before such pipes were laid. 5 10

By-law for the
construction
of water-
works.

4. All provisions of *The Municipal Act* or Acts, in so far as they apply to elections, and to the prevention of corrupt practices at elections, shall apply hereto, except so far as such Act or Acts would be inconsistent with this Act. 15

No. 152.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 8th March, 1886.

MR. CONNELL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act Respecting Dentistry.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 1 of *The Act respecting Dentistry*, chapter 144, R. S. O. c. 144, 5 of the Revised Statutes of Ontario, is hereby amended by s. 1, amended. inserting after the words: "or this Act" in the sixth and seventh lines thereof, the words: "and who is registered under this Act."
2. Section 3 of the said Act is hereby amended by adding R. S. O. c. 144, 10 at the end thereof, the words: "and who are at the date of s. 3, amended. such election duly registered under this Act."
3. Section 9 of the said Act, is hereby amended by R. S. O. c. 144, inserting therein after the words: "entering the profes- s. 9, amended. sion" in the third line thereof, the words: "or may accept in 15 lieu of such matriculation or preliminary examination, evidence that any student has passed any other satisfactory examination." (See 47 V. c. 22, s. 12).
4. Section 10 of the said Act, is hereby amended by insert- R. S. O. c. 144, ing after the words: "duly licensed" in the fifth line thereof, s. 10, amended. 20 the words: "and registered."
5. Section 13 of the said Act, is hereby amended by insert- R. S. O. c. 144, ing therein after the word: "government" in the third line s. 13, amended. thereof, the word "discipline." [See sec. 18, (post), also 44 V. c. 17.]
- 25 6. Section 15 of the said Act, is hereby amended by insert- R. S. O. c. 144, ing therein after the words: "first Tuesday in March," in s. 15, amended. the sixth line thereof the words: "or such other time as the Board may by by-law appoint."
7. Section 16 of the said Act, is hereby amended by adding R. S. O. c. 144, 30 thereto the words; "or on such other day as shall be appointed s. 16, amended. by the Board as aforesaid."
8. Section 17 of the said Act is hereby amended by insert- R. S. O. c. 144, ing after the words: "of this Act," in the seventh line thereof, s. 17, amended. the words: "subject, however, to the provisions of this Act 35 respecting registration."
9. Section 19 of the said Act, is hereby repealed and the R. S. O. c. 144, following substituted therefor: s. 19, repealed.

Certified list
of members
to be sent to
Provincial
Secretary
annually.

19. "The Registrar of the said Board shall, on or before the first day of February, in each and every year, (*formerly 15 January, but see s. 16 post*), enclose to the Provincial Secretary a certified list of the names of all persons then registered as members of the College for the then current year," (*formerly only those licensed during previous year. See R. S. O. c. 144, s. 19.*) 5

R. S. O. c. 144,
s. 20, amended.

10. Section 20 of the said Act, is hereby amended by inserting after the words: "is not a" in the first line thereof, the words: "duly registered," and by inserting after the words: "profession of dentistry" in the second and third lines thereof, the words: "or perform any dental operation on, or prescribe any dental treatment for any patient," and by inserting after the words: "hope of reward" in the third line thereof, the words: "by way of fees, salary, rent, percentage of receipts, 15 or in any other form whatever,"* and by striking out the word, "section" in the second line of sub-section 2 of said section, and inserting in lieu thereof, the word: "Act," and by adding to the said section a sub-section in the words following:

(3)—"Provided that this section shall not prevent any duly 20 indentured and registered student of dentistry from receiving clinical instruction and practice under the personal supervision of a member of the said College."

R. S. O. c. 144,
s. 25, amended.

11. Section 25 of the said Act, is hereby amended by inserting after the words: "that the defendant is" in the second 25 line thereof, the words: "a duly registered member of the Royal College of Dental Surgeons of Ontario, and is."

R. S. O. c. 144,
s. 26, amended.

12. Section 26 of the said Act, is hereby amended by striking out the words: "of the twentieth section" in the first and second lines thereof, and by inserting after the words: "of 30 this Act" in the second line thereof, the words: "or any amending Act."

Power to hold
real estate.

13. The Royal College of Dental Surgeons of Ontario shall have power to acquire and hold real estate not exceeding at any time in annual value \$5,000, and the said College may 35 alienate, exchange, mortgage, incumber, lease or otherwise charge or dispose of the same, or any part thereof, as occasion may require, and may erect buildings for the purpose of accommodating lecturers on dentistry, or for a library, dental museum, or specimen room, or for other purposes, for the use of the 40 members of the said College. [See 47 V. c. 22, s. 3.]

Consent to
alienation,
etc., required.

14. No such alienation, exchange, mortgage, incumbrance, lease, charge or disposition, shall be made, given or effected, except with the consent of the Board of Directors, which consent shall be signified by the votes of a majority of the mem- 45 bers present at a meeting of the Board duly called for that purpose; and notice of such meeting shall be given to each member of the said Board, by letter mailed to his last registered address, seven days before the day appointed for such meeting,

*The present penal clause (20), has been evaded by the employment of uncertificated persons to operate as the servants or agents of certificated dentists resident in the same or in another town; the agent in one case was paid by receiving a large rent for the use of a room and instruments; Held not within s. 20, of R. S. O. c. 144.

and such notice shall state the object of such meeting; the President and Secretary shall have power to affix the corporate seal of the said College to any instrument necessary to carry out the intention of the said Board. (*New*).

5 **15.** It shall be the duty of the Registrar as early as possible in each year, to make a correct register in the form of Schedule A hereto, of the names and addresses of all persons who may be entitled to be registered under this Act as members of the said College for the then current year. [See 47 V. c. 22, 10 s. 13; R. S. O. c. 142, s. 21.] Registrar.

15 **16.** Any person holding a valid and unforfeited certificate of license to practice dentistry under the provisions of the Revised Act, chapter 144, and who on or before the fifteenth day of January, in any year, has paid to the said Registrar a registration fee of \$3, or who, after the said date, pays to the said Registrar, a registration fee of \$6, or who, (having during the then current year, obtained a certificate of license from the said College to practice the profession of dentistry), forthwith pays to the said Registrar a registration fee of \$3, shall, (subject to the other provisions of this Act), be entitled to have his name entered in the register referred to in the next preceding section of this Act. [See R. S. O. c. 142, s. 24; 47 V. c. 22 s. 18.] Qualification for and mode of registry.

25 **17.**—(1) No person shall be entitled to have his name on the said register, unless the Registrar is satisfied by proper evidence, that such person is entitled to be registered, and any appeal from a decision of the Registrar shall be decided by the Board of Directors of said College. Evidence for entry on register.

30 (2) If it shall at any time be proved to the satisfaction of the said Board, that the name of any person has been improperly inserted in the register for the year, such name may be erased therefrom by order of the said Board. [See 47 V. c. 22, s. 16.] Erasing name improperly entered.

35 **18.** Upon a resolution of the Board of Directors of the said College being passed, declaring that any member of the Royal College of Dental Surgeons of Ontario, is, in the opinion of the said Board, unfit to be or to continue on the register thereof, the Lieutenant-Governor in Council, may direct that the name of such person shall be erased from such register, and it shall be the duty of the Registrar to erase the same accordingly. [See 47 V. c. 22, s. 20.] Erasing name of member from register.

40 **19.** Every person having been registered under this Act, shall, on retiring from the practice of the profession of dentistry, give the Registrar of the said College notice in writing of the same, and in default thereof, he shall remain liable for his annual registration fee, provided that it shall be lawful for any such person to resume his practice as aforesaid, at any time after retiring therefrom as aforesaid, upon giving notice in writing to the Registrar of the College, of his intention so to do, and upon payment to him of the proper registration fee, as prescribed by section 16 of this Act. [See 47 V. c. 22, 50 s. 22.] Person retiring from practice to notify registrar.

20. Any person registered under this Act, and no other person, shall be entitled to practice the profession of dentistry, Registered persons only entitled to practice.

and no person shall be entitled to any of the privileges of a licentiate or member of the said College, or to practice the profession of dentistry, who is in default in respect to any fees payable by him by virtue of this Act. [See 47 V. c. 22, s. 19.]

Certificate on registration 21. Upon any person being registered under this Act, he shall be entitled to receive a certificate under the corporate seal of the said College, and signed by the Registrar, in the form of Schedule B to this Act, or to the like effect. See 47 V. c. 22, s. 17. 5

Certificate to be publicly displayed. 22. Every person practising the profession of dentistry, shall display his certificate of registration in a conspicuous position in his place of business. [See 47 V. c. 22, s. 21.] 10

Arrangements for education of students. 23. The Royal College of Dental Surgeons, of Ontario, may subject to the approval of the Lieutenant-Governor in Council make arrangements with any University or College in Ontario for the attendance of students of the Royal College of Dental Surgeons at such lectures or classes in any such University or College, as may come within the course or subjects of instruction prescribed by the rules, by-laws, and regulations of the said, The Royal College of Dental Surgeons of Ontario, and may, subject as aforesaid, agree with any such University or College, for the use of any library, museum, or property belonging to, or under the control of, such University or College, and may affiliate with any such University or College, and may enter into all arrangements necessary for such end, upon such terms as may be agreed upon. [See 40 V. c. 65, s. 12.] 15 20 25

When provisions as to registration to come in force. 24. The provisions of this Act as to registration, shall not come into force until the first day of January, 1887.

Act to be read as part of R. S. O. c. 144. 25. This Act shall be read as part of *The Act Respecting Dentistry*, being chapter 144 of the Revised Statutes of Ontario. 30

SCHEDULE A.

NAME.	Residence.	Qualification.
A. B.	Toronto	Certificate of License, March 6th, 1883.
C. D.	Orangeville	5 years' practice prior to March 4th, 1868, (31 V. c. 37, s. 12).
E. F.	Belleville	Special Examination under R. S. O. c. 144, s. 14.

SCHEDULE B.

I hereby certify that C. D. being the holder of a certificate of license to practise the profession of dentistry from the Royal College of Dental Surgeons of Ontario, was on the day of 188 , duly registered as a member of the Royal College of Dental Surgeons of Ontario, and is authorized to practice his said profession up to the 31st day of December, 188 ; subject to the provisions of sections 17 and 18 of the Act 49 Victoriae, chapter

(Sgd.) E. F.

Registrar of the Royal College of
Dental Surgeons of Ontario.

Corporate Seal of the
R. C. D. S. Ont.

No. 153.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Act respecting
Dentistry.

First Reading, 6th March, 1886.

Mr. GIBSON.
(*Hamilton.*)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act Respecting Dentistry.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

PART I.

1. Section 9 of *The Act Respecting Dentistry*, chapter 144 of the Revised Statutes of Ontario is hereby amended by inserting therein after the words: "entering the profession" in the third line thereof, the words: "or may accept in lieu of such matriculation or preliminary examination, evidence that any student has passed any other satisfactory examination." (See 47 V. c. 22, s. 12). R. S. O. c. 144,
s. 9, amended.

2. Section 13 of the said Act, is hereby amended by inserting therein after the word: "government" in the third line thereof, the word "discipline." [See sec. 18, (post), also 44 V. c. 17.] R. S. O. c. 144,
s. 13, amended.

3. Section 15 of the said Act, is hereby amended by inserting therein after the words: "first Tuesday in March," in the sixth line thereof the words: "or such other time as the Board may by by-law appoint." R. S. O. c. 144,
s. 15, amended.

4. Section 16 of the said Act, is hereby amended by adding thereto the words; "or on such other day as shall be appointed by the Board as aforesaid." R. S. O. c. 144,
s. 16, amended.

5. Section 20 of the said Act is hereby amended by inserting after the words "profession of dentistry" in the second and third lines thereof, the words: "or perform any dental operation on, or prescribe any dental treatment for any patient," and by inserting after the words: "hope of reward" in the third line thereof, the words: "by way of fees, salary, rent, percentage of receipts, or in any other form whatever,"* and by striking out the word, "section" in the second line of sub-section 2 of said section, and inserting in lieu thereof, the word: "Act," and by adding to the said section a sub-section in the words following:

(3)—"Provided that this section shall not prevent any duly indentured and registered student of dentistry from receiving clinical instruction and practice under the personal supervision of a member of the said College."

6. Section 26 of the said Act, is hereby amended by striking out the words: "of the twentieth section" in the first R. S. O. c. 144,
s. 26, amended.

and second lines thereof, and by inserting after the words: "of this Act" in the second line thereof, the words: "or any amending Act."

Power to hold
real estate.

7. The Royal College of Dental Surgeons of Ontario shall have power to acquire and hold real estate not exceeding at any time in annual value \$5,000, and the said College may alienate, exchange, mortgage, incumber, lease or otherwise charge or dispose of the same, or any part thereof, as occasion may require, and may erect buildings for the purpose of accommodating lecturers on dentistry, or for a library, dental museum, or specimen room, or for other purposes, for the use of the members of the said College. [See 47 V. c. 22, s. 3.]

Consent to
alienation,
etc., required.

8. No such alienation, exchange, mortgage, incumbrance, lease, charge or disposition, shall be made, given or effected, except with the consent of the Board of Directors, which consent, shall be signified by the votes of a majority of the members present at a meeting of the Board duly called for that purpose; and notice of such meeting shall be given to each member of the said Board, by letter mailed to his last registered address, seven days before the day appointed for such meeting, and such notice shall state the object of such meeting; the President and Secretary shall have power to affix the corporate seal of the said College to any instrument necessary to carry out the intention of the said Board. (*New*).

Arrangements
for education
of students.

9. The Royal College of Dental Surgeons, of Ontario, may subject to the approval of the Lieutenant-Governor in Council make arrangements with any University or College in Ontario, for the attendance of students of the Royal College of Dental Surgeons at such lectures or classes in any such University or College, as may come within the course or subjects of instruction prescribed by the rules, by-laws, and regulations of the said, The Royal College of Dental Surgeons of Ontario, and may, subject as aforesaid, agree with any such University or College, for the use of any library, museum, or property belonging to, or under the control of, such University or College, and may affiliate with any such University or College, and may enter into all arrangements necessary for such end, upon such terms as may be agreed upon. [See 40 V. c. 65, s. 12.]

Act to be read
as part of R.
S. O. c. 144.

10. This Act shall be read as part of *The Act Respecting Dentistry*, being chapter 144 of the Revised Statutes of Ontario.

PART II.

R. S. O. c. 144,
s. 1, amended.

11. Section 1 of the said Act is hereby amended by inserting after the words: "or this Act" in the sixth and seventh lines thereof, the words: "and who is registered under this Act."

R. S. O. c. 144,
s. 3, amended.

12. Section 3 of the said Act is hereby amended by adding at the end thereof, the words: "and who are at the date of such election duly registered under this Act."

13. Section 10 of the said Act, is hereby amended by inserting after the words: "duly licensed" in the fifth line thereof, the words: "and registered." R. S. O. c. 144, s. 10, amended.

14. Section 17 of the said Act is hereby amended by inserting after the words: "of this Act," in the seventh line thereof, the words: "subject, however, to the provisions of this Act respecting registration." R. S. O. c. 144, s. 17, amended.

15. Section 19 of the said Act, is hereby repealed and the following substituted therefor: R. S. O. c. 144, s. 19, repealed.

19. "The Registrar of the said Board shall, on or before the first day of February, in each and every year, (*formerly* 15 January, but *see* s. 16 *post*), enclose to the Provincial Secretary a certified list of the names of all persons then registered as members of the College for the then current year," (*formerly only those licensed during previous year.* See R. S. O. c. 144, s. 19.)

16. Section 20 of the said Act, is hereby amended by inserting after the words: "is not a" in the first line thereof, the words: "duly registered." R. S. O. c. 144, s. 20, amended.

17. Section 25 of the said Act, is hereby amended by inserting after the words: "that the defendant is" in the second line thereof, the words: "a duly registered member of the Royal College of Dental Surgeons of Ontario, and is." R. S. O. c. 144, s. 25, amended.

18. It shall be the duty of the Registrar as early as possible in each year, to make a correct register in the form of Schedule A hereto, of the names and addresses of all persons who may be entitled to be registered under this Act as members of the said College for the then current year. [See 47 V. c. 22, s. 13; R. S. O. c. 142, s. 21.] Register.

19. There shall be payable to the Registrar of the said College for the uses of the College in each year by every person registered or desiring to be registered under this Act and practising the profession of Dentistry, the sum of \$3, and any person holding a valid and unforfeited certificate of license to practice dentistry under the provisions of the Revised Act, chapter 144, and who on or before the fifteenth day of January in any year shall have paid to the said Registrar a registration fee of \$3, or who, (having during the then current year, obtained a certificate of license from the said College to practice the profession of dentistry), forthwith pays to the said Registrar a registration fee of \$3, shall, (subject to the other provisions of this Act), be entitled to have his name entered in the register referred to in the next preceding section of this Act, and a copy of such register certified by the Registrar shall be evidence in any Court of Justice in Ontario that the persons therein named are the members of the said College for the said year. [See R. S. O. c. 142, s. 24; 47 V. c. 22, s. 18.] Qualification for and mode of registry.

20.—(1) No person shall be entitled to have his name on the said register, unless the Registrar is satisfied by proper evidence that such person is entitled to be registered, and any appeal Evidence for entry on register.

from a decision of the Registrar shall be decided by the Board of Directors of said College.

(2) If it shall at any time be proved to the satisfaction of the said Board, that the name of any person has been improperly inserted in the register for the year, such name may be erased therefrom by order of the said Board. [See 47 V. c. 22, s. 16.]

Erasing names
from Register.

21.—(1) Wherever any registered practitioner under this Act has either before or after the passing of this Act and either before or after he is so registered, been convicted either in Her Majesty's dominions or elsewhere of an offence, which if committed in Canada would be a felony or misdemeanor, or been guilty of any infamous or disgraceful conduct in a professional respect, such practitioner shall be liable to have his name erased from the register.

(2) The Board of Directors may, and upon the application of any two practitioners registered under this Act, shall cause an enquiry to be made into the case of a person alleged to be liable to have his name erased under this section and on proof of such conviction or of such infamous or disgraceful conduct, shall cause the name of such person to be erased from the register; provided, that the name of a person shall not be erased, under this section on account of his adopting, or refraining from adopting the practice of any particular theory of dentistry or dental surgery, nor on account of a conviction for a political offence out of Her Majesty's dominions, nor on account of a conviction for an offence which though within the provisions of this section ought not, either from the trivial nature of the offence, or from the circumstances under which it was committed, to disqualify a person for practising dentistry.

Restoring
names to
Register.

22.—(1) Where the Board of Directors direct the erasure from the dentist's register of the name of any person, or of any other entry, the name of that person, or that entry, shall not be again entered on the register, except by the direction of the Board of Directors, or by the order of a judge, or of a court of competent jurisdiction.

(2) If the Board of Directors think fit in any case, they may direct the registrar to restore to the registrar any name or entry erased therefrom either without fee or on payment of such fee, not exceeding the registration fee, as the Board may, from time to time fix, and the registrar shall restore the same accordingly.

Person retir-
ing from
practice to
notify
registrar.

23. Every person having been registered under this Act, shall, on retiring from the practice of the profession of dentistry, give the Registrar of the said College notice in writing of the same, and in default thereof, he shall remain liable for his annual registration fee, provided that it shall be lawful for any such person to resume his practice as aforesaid, at any time after retiring therefrom as aforesaid, upon giving notice in writing to the Registrar of the College, of his intention so to do, and upon payment to him of the proper registration fee, as prescribed by section 16 of this Act. [See 47 V. c. 22, s. 22.]

24. Any person registered under this Act, and no other person, shall be entitled to practice the profession of dentistry, and no person shall be entitled to any of the privileges of a licentiate or member of the said College, or to practice the profession of dentistry, who is in default in respect to any fees payable by him by virtue of this Act. [See 47 V. c. 22, s. 19.]

25. Upon any person being registered under this Act, he shall be entitled to receive a certificate under the corporate seal of the said College, and signed by the Registrar, in the form of Schedule B to this Act, or to the like effect. See 47 V. c. 22, s. 17.

26. Every person practising the profession of dentistry, shall display his certificate of registration in a conspicuous position in his place of business. [See 47 V. c. 22, s. 21.]

27. Part two of this Act shall not come into force until after a certificate under the hand of the Secretary of the College has been filed in the office of the Provincial Secretary, certifying that at a meeting of the Board held after the election of Directors upon the third Tuesday in July, 1886, a resolution was passed that Part II. of this Act ought to come into force, and thereupon the said Part II. of this Act shall come into force on the first day of August next, after the filing of said certificate. Notice of the filing of such certificate shall be immediately published in the *Ontario Gazette*.

SCHEDULE A.

NAME.	Residence.	Qualification.
A.B.....	Toronto	Certificate of License, March 6th, 1883.
C.D.....	Orangeville	5 years' practice prior to March 4th, 1868, (31 V. c. 37, s. 12).
E.F.....	Belleville	Special Examination under R. S. O. c. 144, s. 14.

SCHEDULE B.

I hereby certify that C. D. being the holder of a certificate of license to practise the profession of dentistry from the Royal College of Dental Surgeons of Ontario, was on the day of 188 , duly registered as a member of the Royal College of Dental Surgeons of Ontario, and is authorized to practice his said profession up to the 31st day of December, 188 ; subject to the provisions of sections 17 and 18 of the Act 49 Victoria, chapter

(Sgd.) E. F.

Registrar of the Royal College of
Dental Surgeons of Ontario.

Corporate Seal of the
R. C. D. S. Ont.

No. 153.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting
Dentistry.

First Reading, 6th March, 1886.
Second " 15th " 1886.

Mr. GIBSON,
(*Hamilton.*)

An Act Respecting the Drainage Indebtedness of the
Township of Sombra.

WHEREAS under the authority of an Act of the Legislature of the Province of Ontario, intituled *The Ontario Drainage Act*, and amending Acts, and in pursuance of a written request from the Municipal Council of said Township of Sombra, dated 2nd August, 1870, to the Honourable, the Commissioner of Public Works for the Province of Ontario, certain drainage works were undertaken to be carried out in pursuance of said Acts, and certain public moneys of the said Province were expended in improvements in the way of drainage within the limits of the said Township of Sombra; and whereas on the 28th day of May, 1878, at the request of the Honourable the Commissioner of Public Works, the said Council appointed three assessors, namely, John H. Jones, Charles Wilson, and J. S. Burnham, in accordance with the provisions of the said *Ontario Drainage Act*; and whereas the said assessors duly assessed the lands and roads benefited by such drainage works, but the Council of the said Township delayed until the proceedings hereinafter mentioned to complete the revision of the assessment; and whereas no sum having been paid to the Province of Ontario on account of the expenditure aforesaid, an action was commenced in the High Court of Justice, Chancery Division, on the 8th day of June, 1885, by the Attorney-General of the Province of Ontario against the said Township of Sombra to compel the completion of the assessment roll in order that the cost of the said drainage works might be recovered by the Province; and whereas on the 25th day of November, 1885, the said action was settled as set forth in the following minutes of judgment:—The plaintiff undertaking on behalf of the Government of Ontario to pass an order in Council reducing the amount of the revised assessment roll, so as to make the amount with which said Township is chargeable in respect of the cost of the drainage work heretofore constructed by the Government in the said Township of Sombra on which the annual statutory rent charge for twenty two years is to be based the sum of \$42,500, the same to be computed as becoming due on the first day of January, 1885, and the first instalment thereof to be reckoned as becoming payable to the Province by the said Township of Sombra, on the first day of January, 1886; such reduction to be a ratable reduction on all amounts as revised on the revised assessment roll: provided that if the assessments against the Township of Chatham as fixed by arbitration at \$600, and that against the Township of Moore as fixed by arbitration at \$780, and that against Dawn, as fixed by the assessment from which there has been no appeal, at \$1,750, are duly and legally a first charge

" upon the lands and roads in said respective Townships in the
 " assessment rolls mentioned, then such gross sum of \$3,130, so
 " chargeable against the said Townships of Chatham, Moore and
 " Dawn, shall be deducted from said sum of \$42,500 in comput-
 " ing the amount chargeable to, and exigible from the said 5
 " Township of Sombra: (1) It is ordered that the defendants pay
 " the said sum with interest, to be computed and added and
 " divided into twenty-two annual instalments, according to the
 " provisions of *The Ontario Drainage Act*, and amending Acts.
 " (2) It is further ordered that the defendants take such pro- 10
 " ceedings to complete the assessment rolls relating to said drain-
 " age works as revised by the Court of Revision on that behalf,
 " and to cause the assessors to prepare and attest a roll in accord-
 " ance to their original assessment, as altered by the Court of
 " Revision, and deposit within one month after the assessment 15
 " roll has been finally settled by the Court of Revision a dupli-
 " cate of the same with the Commissioner of Public Works,
 " and another duplicate thereof with the Registrar of the County
 " of Lambton. (3) It is further ordered that the Council of the
 " said municipality shall pass such by-laws to collect the said 20
 " assessment reduced as aforesaid, as may be necessary, and pay
 " over the amount thereof in accordance with the statute in that
 " behalf and this judgment, and do all things necessary to make
 " such assessment, reduced as aforesaid, a first charge upon the
 " lands and roads in said assessment roll mentioned, in accord- 25
 " ance with the provisions of *The Ontario Drainage Act*.
 " (4) And it is further ordered that the defendants do pay to
 " the plaintiff the costs of this action forthwith after taxation."

And whereas the Court of Revision for the said Township of
 Sombra finally settled said assessment rolls for the said drain- 30
 age works on the 30th day of October, 1885; and whereas one
 Peter W. Merritt was appointed by the said Council as assessor
 in the room and stead of the said Charles Wilson, who, after the
 making of the said assessment, had departed this life; but the
 said John H. Jones, J. S. Barnham, and Peter M. Merritt, were 35
 unable to prepare and attest a roll in accordance with the
 original assessment, as altered by the Court of Revision, in
 time to permit a duplicate of the same being deposited with
 the Honourable, the Commissioner of Public Works, and an-
 other duplicate thereof with the Registrar of the County of 40
 Lambton, within one month after the assessment roll was finally
 settled by the Court of Revision; and whereas the said assess-
 sors, at as early a date as practicable, prepared and attested a
 roll, in accordance with the original assessment, as altered by
 the Court of Revision, and the Township of Sombra caused 45
 the said duplicates of such roll to be prepared, and the same
 were prepared and deposited, one copy with the Registrar of the
 County of Lambton, on the 3rd day of December, 1885, and
 one copy with the Honourable, the Commissioner of Public
 Works, on the 7th day of December, 1885; and whereas the 55
 said Municipal Corporation have prayed that the said assess-
 ment roll of the said drainage works as finally settled by the
 Court of Revision as aforesaid be confirmed, and that it be de-
 clared that the deposit of the said assessment roll with the
 Registrar of the County of Lambton on the 3rd day of Decem- 60
 ber, 1885, and with the Honourable the Commissioner of
 Public Works on the 7th day of December, 1885, is a sufficient
 compliance with the terms of the said judgment, and with the

provisions of *The Ontario Drainage Act* and amending Acts ; and whereas it is expedient to grant the prayer of the said petition ;

Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. The minutes of judgment as set forth in the preamble to this Act, are hereby declared to be binding and valid in all respects upon the said Municipal Corporation, inhabitants, and property holders of the said Township of Sombra, and all other persons whomsoever. Minutes of judgment confirmed.

2. The said assessment rolls of the said drainage works of the Township of Sombra as finally settled by the Court of Revision of the said Township on the 30th day of October, 1885, are hereby declared to be legal and valid. Assessment rolls confirmed.

3. The deposit of one duplicate of the said assessment roll with the Registrar of the County of Lambton on the 3rd day of December, 1885, and the deposit of another duplicate with the Commissioner of Public Works on the 7th day of December, 1885, are respectfully hereby declared to be valid and sufficient, notwithstanding that the same were not so deposited within the time limited by *The Ontario Drainage Act*, and the several parcels and lots of land mentioned in the said roll, are hereby declared to have been duly charged with the payment of a rent charge equivalent to the amount placed against such parcels and lots respectively in the said roll, in accordance with the provisions of section 36 of *The Ontario Drainage Act* as amended by the Act passed in the 44th year of Her Majesty's reign and chaptered 3. Deposit of duplicate rolls declared valid.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act Respecting the Drainage Indebtedness of the Township of Sombra.

First Reading, 8th March, 1886.

(Private Bill.)

Mr. FRASER.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Amend the Act Respecting Joint Stock
Companies for the Construction or Purchase of
Roads and other Works.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

Section 39 of chapter 152 of the Revised Statutes of Ontario
5 is amended by adding thereto as sub-section (2) the following:

(2). One fourth part in value of the shareholders of the
company shall, at all times have the right to call a special
meeting thereof, for the transaction of any business specified
in such written requisition and notice as they may issue to
10 that effect.

Calling of
special meet-
ing by share-
holders.

No. 155.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to further amend the Acts respecting Joint Stock Companies.

First Reading, 9th March, 1886.

MR HARBOUR.

TORONTO:

PRINTED BY WATSON & SONS, 25 AND 28 FRONT ST. W.

No. 155.]


BILL.

[1886.

An Act to Amend the Act Respecting Joint Stock Companies for the Construction or Purchase of Roads and other Works.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Section 39 of chapter 152 of the Revised Statutes of Ontario R. S. O. c. 152, is amended by adding thereto as sub-section (2) the following : s. 39, amended.

(2). One fourth part in value of the shareholders of the company shall, at all times have the right to *require that* a ^{Calling of special meeting by shareholders.} special meeting thereof, for the transaction of any business specified in such written requisition, ~~or~~ or notice shall be
10 called, and the secretary upon receipt of such requisition or notice shall call a special meeting for the purpose of considering the matters and things in said requisition or notice specified. 

No. 155.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to further amend the Acts respecting Joint Stock Companies.

(*Reprinted as amended by Select Committee.*)

First Reading,	9th March,	1886.
Second "	15th "	1886.

Mr HARCOURT.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Amend the Municipal Amendment
Act, 1885.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Section 14 of *The Municipal Amendment Act, 1885*, is
5 hereby amended by adding thereto the following, as a sub-
section thereof :—

(2). The council of every county shall be deemed and held
to have had, and possessed on, from, and since the first day of
February, 1883, the foregoing powers, and also the power to
10 assist, aid, and compensate, either by payment of money or
otherwise, any owner or occupier of land bordering upon any
public highway within the county for the taking down, alter-
ing or removing any fence or fences which, in the opinion of
the council, would be likely to cause such an accumulation of
15 snow or drift as would impede or obstruct travel on such high-
way or any part thereof, or for the erection or construction of
some other description of fence, approved of, or designated by
the council, and subject to such terms and conditions in that
behalf as by such council have or shall be fixed and prescribed.

48 V., c. 39, s.
14, amend-
ment.
Compensation
to landowners
for alteration
or removal of
fences.

No. 156.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Municipal Amendment Act, 1885,

First Reading, 9th March, 1886.

MR. HART.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

• No. 157.]

BILL.

[1886.

An Act to Amend the Act Respecting Line Fences.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. The county council of any county may pass by-laws
5 imposing on all owners of unoccupied lands within the county the same duties and obligations as to fences marking boundaries
as are now imposed on the owners of occupied lands by *The Line Fences Act*, and the compulsory proceedings in the said
10 any unoccupied lands within the county.

Powers of county councils as to fences marking boundaries.

No. 157.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Act respecting Line
Fences.

First Reading, 9th March, 1886.

Mr. BALFOUR.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act respecting the Districts of Algoma, Thunder Bay and Rainy River.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

- 5 1. All that portion of the Provisional Judicial District of Algoma lying west of the meridian of 85 degrees of west long-
 10 titude is detached therefrom and is annexed to the Provisional Judicial District of Thunder Bay for all purposes. This section shall go into force on the day of next after the passing of this Act. Division line between Thunder Bay and Algoma.
- 15 2. All actions and proceedings then pending or being in any Court in the said portion of Algoma so annexed to the said District of Thunder Bay, may be proceeded with thereafter as if this Act had not been passed, but any execution there-
 20 after issued to be executed within the territory hereby annexed to Thunder Bay shall, subject to the provisions of the next section, be directed to the proper officer of Thunder Bay. Pending actions in the territory hereby annexed to Thunder Bay.
- 25 3. Nothing herein contained shall prevent the Sheriff of Algoma from proceeding upon and completing the execution or service within the said territory, of any writ of mesne or final
 30 process in his hands at the time the said annexation takes effect, or any renewal of such writ, or any subsequent or supplementary writ in the same cause ; or, in the case of executions against lands, from executing all necessary deeds and conveyances relat-
 35 ing to the same ; and the acts of the said Sheriff of Algoma in respect of these matters shall be valid in the same manner and to the same extent as if this Act had not been passed, and no further. Jurisdiction of sheriff of Algoma continued.
- 40 4. After the said annexation the provisions of sections 28 and 29 of *The Registry Act*, shall apply to the territory hereby annexed to Thunder Bay, and to the Registrars of the said Districts of Algoma and Thunder Bay. Registry Act.
5. Subject to the provisions of section 16 of *The Assessment Act, 1885*, all appeals from the decision of any Court of Revi-
 35 sion, in respect of an assessment in any municipality in the District of Algoma, or in that part of the District of Thunder Bay, not included in the Rainy River District, shall be to the District Judge, and in any municipality in any of the Districts of Muskoka, Parry Sound, Nipissing and Rainy River, shall be
 40 to the Stipendiary Magistrate of the district, whether the municipality was organized under any of the Acts mentioned Appeals under Assessment Act.

in section 1 of the Act passed in the 46th year of Her Majesty's reign, entitled *An Act respecting Appeals to Stipendiary Magistrates from Municipal Assessments in Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay*, or was incorporated otherwise; and section 2 of the said last mentioned Act, shall apply to appeals arising in any municipality in any of the said districts. 5

Jurisdiction
of Stipendiary
Magistrate in
actions.

6.—(1) In respect of actions commenced or to be commenced the issue of process out of the office of the Deputy Clerk for the District of Rainy River, the Stipendiary Magistrate for the District of Rainy River may, subject to an appeal to the Judge of the District Court of the Provisional Judicial District of Thunder Bay, do all such things and transact all such business and exercise all such authority and jurisdiction as, by virtue of any statute or custom, or by the rules and practice in force in the said District Court, are now, or under the provisions of this Act may be done, transacted or exercised by the said Judge sitting in Chambers, except (unless by consent of the parties) in respect of the following proceedings and matters, that is to say:— 10 15 20

- (a) The referring of causes under any Act in force respecting references;
- (b) Reviewing taxation of costs; and
- (c) Staying proceedings between verdict and judgment.

(2) In such excepted matters, the said Stipendiary Magistrate may issue a summons returnable before the said Judge, with or without a stay of proceedings, as he may think proper; 25

(3) In case any matter shall appear to the said Stipendiary Magistrate to be proper for the decision of the Judge, the Stipendiary Magistrate may refer the same to the Judge, and the Judge may either dispose of the matter, or refer the same back to the Stipendiary Magistrate with such directions as he may think fit; 30

Appeals from
orders of
Stipendiary
Magistrate.

(4) Appeals from the Stipendiary Magistrate's order or decision may be made by summons, such summons to be taken out within ten days after the decision complained of, or within such further time as may be allowed by the Judge, or by the Stipendiary Magistrate; 35

(5) An appeal shall be no stay unless so ordered by the Judge or Stipendiary Magistrate; 40

(6) The costs of an appeal shall be in the discretion of the Judge;

(7) The fees and the scale of allowance thereof, for all matters done by and before the Stipendiary Magistrate, shall be the same as are authorized for business done by and before the Judge; 45

(8) The Stipendiary Magistrate in granting any summons or order may impose upon the party obtaining the same such terms or conditions as he deems expedient.

(43 Vic. c. 12, s. 10.)

7. Any solicitor or attorney authorized to practise as such Solicitors practising in Rainy Riv District.
 in any Province of Canada, who was residing and practising
 in the territory now constituting the Rainy River District at
 and before the date of the order of Her Majesty in Council
 5 with respect to the westerly boundary of this Province, shall
 be entitled to practise in the said district without any prior
 service or contract of service to or with an attorney or solicitor
 of this Province, subject to his taking the oath required of and
 paying the fees payable by other solicitors and attorneys on
 10 their admission to practise in this Province, and obtaining
 their annual certificates thereafter, and subject also to all other
 conditions and regulations applicable to solicitors and attorneys.

No. 158.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Districts of Algoma,
Thunder Bay and Rainy River.

First Reading, 9th March, 1886.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FLOST ST. W.

An Act respecting the Districts of Algoma, Thunder Bay and Rainy River.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. All that portion of the Provisional Judicial District of
 5 Algoma lying west of the meridian of 85 degrees of west long-
 itude is detached therefrom and is annexed to the Provisional
 Judicial District of Thunder Bay for all purposes, *except elec-*
toral purposes. This section shall go into force on the *first*
 day of *July* next after the passing of this Act. Division line
between
Thunder Bay
and Algoma.
- 10 2. All actions and proceedings then pending or being in any
 Court in the said portion of Algoma so annexed to the said
 District of Thunder Bay, may be proceeded with thereafter
 as if this Act had not been passed, but any execution there-
 after issued to be executed within the territory hereby annexed
 15 to Thunder Bay shall, subject to the provisions of the next
 section, be directed to the proper officer of Thunder Bay. Pending
actions in the
territory
hereby
annexed to
Thunder Bay.
3. Nothing herein contained shall prevent the Sheriff of
 Algoma from proceeding upon and completing the execution or
 service within the said territory, of any writ of mesne or final
 20 process in his hands at the time the said annexation takes effect,
 or any renewal of such writ, or any subsequent or supplement-
 ary writ in the same cause ; or, in the case of executions against
 lands, from executing all necessary deeds and conveyances relat-
 ing to the same ; and the acts of the said Sheriff of Algoma in
 25 respect of these matters shall be valid in the same manner and
 to the same extent as if this Act had not been passed, and no
 further. Jurisdiction
of sheriff of
Algoma con-
tinued.
4. After the said annexation the provisions of sections 28
 and 29 of *The Registry Act*, ~~as~~ as amended by any Act passed
 30 during the present Session of this Legislature, ~~shall~~ shall apply
 to the territory hereby annexed to Thunder Bay, and to the
 Registrars of the said Districts of Algoma and Thunder Bay. Registry Act.
5. Subject to the provisions of section 16 of *The Assessment*
 Act, 1885, all appeals from the decision of any Court of Revi-
 35 sion, in respect of an assessment in any municipality in the
 District of Algoma, or in that part of the District of Thunder
 Bay, not included in the Rainy River District, shall be to the
 District Judge, and in any municipality in any of the Districts
 of Muskoka, Parry Sound, Nipissing and Rainy River, shall be
 40 to the Stipendiary Magistrate of the district, whether the
Appeals under
Assessment
Act.

municipality was organized under any of the Acts mentioned in section 1 of the Act passed in the 46th year of Her Majesty's reign, entitled *An Act respecting Appeals to Stipendiary Magistrates from Municipal Assessments in Algoma, Muskoka, Parry Sound, Nipissing and Thunder Bay*, or was incorporated otherwise; and section 2 of the said last mentioned Act, shall apply to appeals arising in any municipality in any of the said districts. 5

Revision of voters' lists.

6. The District Judges and Stipendiary Magistrates, as the case may be, shall, in the said respective municipalities, have 10 for the purposes of *The Voters' Lists Acts*, and the Acts amending the same, the jurisdiction, duties and powers which County Court Judges have in counties. ¶

Jurisdiction of Stipendiary Magistrate in actions.

7.—(1) In respect of actions commenced or to be commenced the issue of process out of the office of the Deputy Clerk for the 15 District of Rainy River, the Stipendiary Magistrate for the District of Rainy River may, subject to an appeal to the Judge of the District Court of the Provisional Judicial District of Thunder Bay, do all such things and transact all such business and exercise all such authority and jurisdiction 20 as, by virtue of any statute or custom, or by the rules and practice in force in the said District Court, are now, or under the provisions of this Act may be done, transacted or exercised by the said Judge sitting in Chambers, except (unless by consent of the parties) in respect of the following proceed- 25 ings and matters, that is to say:—

- (a) The referring of causes under any Act in force respecting references;
- (b) Reviewing taxation of costs; and
- (c) Staying proceedings between verdict and judgment. 30

(2) In such excepted matters, the said Stipendiary Magistrate may issue a summons returnable before the said Judge, with or without a stay of proceedings, as he may think proper;

(3) In case any matter shall appear to the said Stipendiary Magistrate to be proper for the decision of the Judge, the Stipendiary Magistrate may refer the same to the Judge, and the Judge 35 may either dispose of the matter, or refer the same back to the Stipendiary Magistrate with such directions as he may think fit;

Appeals from orders of Stipendiary Magistrate.

(4) Appeals from the Stipendiary Magistrate's order or 40 decision may be made by summons, such summons to be taken out within ten days after the decision complained of, or within such further time as may be allowed by the Judge, or by the Stipendiary Magistrate;

(5) An appeal shall be no stay unless so ordered by the Judge 45 or Stipendiary Magistrate;

(6) The costs of an appeal shall be in the discretion of the Judge;

(7) The fees and the scale of allowance thereof, for all matters done by and before the Stipendiary Magistrate, shall be the 50 same as are authorized for business done by and before the Judge;

(8) The Stipendiary Magistrate in granting any summons or order may impose upon the party obtaining the same such terms or conditions as he deems expedient.

(43 Vic. c. 12, s. 10.)

- 5 8. Any solicitor or attorney authorized to practise as such Solicitors
in any Province of Canada, who was residing and practising practising in
in the territory now constituting the Rainy River District at Rainy River
and before the date of the order of Her Majesty in Council District.
with respect to the westerly boundary of this Province, shall
10 be entitled to practise in the said district without any prior
service or contract of service to or with an attorney or solicitor
of this Province, *and without examination* subject to his
taking the oath required of and paying the fees payable by
other solicitors and attorneys on their admission to practise
15 in this Province, and obtaining their annual certificates
thereafter, and subject also to all other conditions and regula-
tions applicable to solicitors and attorneys.

No. 158.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Districts of Algoma,
Thunder Bay and Rainy River.

*(Reprinted as amended by Committee of
Whole House.)*

First Reading,	9th March,	1886.
Second “	16th March,	1886.

The ATTORNEY-GENERAL.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 159.]

BILL.

[1886.]

An Act to Amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Sub-section 2 of section 26 of *The Municipal Amend-* 48 V., c. 39, s.
5 *ment Act, 1885*, is hereby amended by inserting after the word 26, sub-s. 2,
“deepening” in the first line of said sub-section the word amended.
“extending.”

No. 159.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 10th March, 1886

Mr. DILL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 160.]

BILL.

[1886.]

An Act to amend the Assessment Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

Section 6 of *The Assessment Act* is amended by adding
5 thereto the following sub-section:—

R. S. O. c. 189,
s. 6, amended.

(26) Steamboats and sailing vessels used for the carriage of
freight or passengers only.

No. 160.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Assessment Act.

First Reading, 11th March, 1886.

Mr. PHELPS.

TORONTO:

PRINTED BY WATKIN & SONS, 26 AND 28 FRONT ST., W.

No. 161.]

BILL.

[1886.

An Act to amend the Franchise and Representation Act, 1885.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Sub-section 5 of section 2 of *The Franchise and Repre-* 48 V. c. 2, sub-
5 *sentation Act, 1885*, is amended by adding the words “adopted s. 5, amended.
son” after the words “son-in-law” in the second line thereof.

2. The paragraph “secondly,” of section 3 of the said Act, 48 V. c. 2, s.
is amended by striking out the words “local municipality” in 3, amended.
the second line thereof, and by substituting therefor the words
10 “electoral district,” and by adding after the word “profes-
sion,” in the fifth line thereof, the words “real or personal
property.”

3. The term “occupant,” as used in the said Act, shall in- “Occupant.”
clude a person who is living with his son, or any other person,
15 and is being supported and maintained by him in lieu of, or
as the consideration for lands or other property conveyed to
such son, or other person.

No. 161.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Franchise and Representation Act, 1885.

First Reading, 11th March, 1886.

Mr. KERR.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to amend the Act to establish an Industrial School for Girls.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Section 18 of the Act passed in the 42nd year of Her Majesty's reign, chaptered 39, entitled *An Act to Establish an Industrial Refuge for Girls*, is hereby repealed and the following sections shall be substituted therefor:—

42 V. c. 39, s. 18, repealed.

18. In case any respectable and trustworthy person is willing to undertake the charge of any girl committed to the said Industrial Refuge, either under this Act or any other Act of the Legislature of this Province, whether she be over or under the age of twelve years, as an apprentice to the trade or calling of such person, or for the purpose of domestic service, the superintendent may, with the consent of the Inspector of Prisons, bind the said girl to such person for any term not to extend beyond the girl's attaining the age of eighteen years, and the Inspector shall, thereupon order that such girl shall be absolutely discharged, or discharged on probation, and she shall be discharged accordingly; any wages reserved in any such indenture, shall be payable to the girl or to some other person for her benefit.

Power to bind girls as apprentices.

19.—(1) The Judge of any County Court or any Police Magistrate, or the Inspector of Prisons may upon satisfactory proof that any girl, who was sentenced under the provisions of this Act or any other Act of the Legislature of this Province, and who has been discharged on probation, has violated the conditions of her discharge, order such girl to be re-committed to the said Refuge, and thereupon she shall be detained therein under her original sentence, as if she had never been discharged.

Recommittal of girls discharged on probation.

(2) The said proof may be by affidavit, or by oral evidence and each of the said officers is hereby authorized to administer an oath to any person requiring to make affidavit or give evidence under this section.

No. 162.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act to establish an
Industrial Refuge for Girls.

First Reading, 11th March, 1886.

Mr. HARDY.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 163.]

BILL.

[1886.

An Act to amend the Act to Prevent the Spread of
Noxious Weeds and of Diseases affecting Fruit
Trees.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

Section 2 of *The Act to Prevent the Spread of Noxious Weeds* 47 V. c. 37, s.
5 *and of Diseases affecting Fruit Trees*, is hereby amended by 2, amended.
striking out the words "rag-weed" in the fifth line thereof.

No. 163.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act to Prevent the
Spread of Noxious Weeds and of Dis-
eases affecting Fruit Trees.

First Reading, 11th March, 1886.

Mr. CLANCY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act to amend the Act respecting Private Lunatic Asylums.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows —

1. Section 41 of chapter 221 of the Revised Statutes of R. S. O. c.
5 Ontario, entitled *An Act respecting Private Lunatic Asylums*, 221, s. 41,
is repealed, and the following substituted therefor:—
repealed.

41. Every physician who signs any such certificate shall specify therein that he has personally examined the person to whom such certificate relates, and that from such examination, Facts to be certified.
10 and from the evidence adduced before him, he is of opinion that such person is a lunatic (or an insane person or an idiot or a person of unsound mind) and a proper person to be confined in an asylum, and shall also specify in such certificate the fact or facts and the evidence adduced before him which led to such
15 opinion, and he shall therein distinguish the facts observed by himself from facts communicated to him by others.

2. Section 63 of the said Act is hereby amended by adding thereto the following sub-section:— R. S. O. c.
221, s. 63,
amended.

(2.) The proprietor or resident superintendent of every
20 licensed house shall, within five days after the admission of any lunatic, or of an insane or idiotic patient, or of a person of unsound mind, to such licensed house, report to the Inspector of Prisons and Public Charities for Ontario, the fact of such admission, together with copies of the certificates and papers
25 upon which the patient was admitted, and shall at any and all times furnish to the Inspector such other reports and information relative to any such patient or patients as may be required by him.

No. 164.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting Private
Lunatic Asylums.

First Reading, 11th March, 1886.

Mr. HARDY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Amend the Act Respecting Vaccination
and Inoculation.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. In case the Council of any municipality neglect to con-
5 tract with some competent medical practitioner or practitioners
for the vaccination of poor persons and others, as provided in
section 5 of *The Revised Act respecting Vaccination and Inocu-*
lation, chapter 191, and such neglect continues for one month
after the attention of the Council has been called in writing by
10 the Local Board of Health to such neglect, the Local Board
of Health may contract with the Medical Health officer of the
municipality, or other legally qualified medical practitioner, or
practitioners, to perform all the duties which may be performed,
or are incumbent upon a medical practitioner under the
15 said Act, if appointed or contracted with by the Council
under section 5, and the Council shall be liable to the medical
practitioner for the fees of vaccination or for duties performed
to the extent provided for by the said Act as if the contract
had been made by or with the Council. The acts of the medical
20 practitioner appointed by the Local Board of Health shall be
as valid and operative in every respect as if a contract with
him had been made by the Council of the Municipality.

Local Board
of Health in
default of
municipality
may employ a
medical prac-
titioner.

2. It shall be lawful for the Trustees of any Public, Separate
or High School, to provide that no child shall be permitted to
25 attend any such School without producing a certificate of suc-
cessful vaccination when demanded of him or her by the
teacher.

School teach-
ers may re-
quire certi-
cate of vac-
cination.

3. In all cases when it is deemed necessary by the Medical
Health Officer of any municipality, owing to the presence, or
30 threatened presence of smallpox, he may, with the approval of
the Local Board of Health, require certificates of successful
vaccination, or of insusceptibility on re-vaccination within seven
years of all students of High Schools, Collegiate Institutes,
Colleges and Universities, within the municipality to be pre-
35 sented to the proper authorities of said Institutions, and no
student refusing to present such certificate on demand, shall
be admitted to further attendance on classes in said institution
until such certificate is furnished.

Students of
High Schools,
etc., may be
required to
produce certi-
ficates of
vaccination.

4. In every municipality where smallpox exists, or in
40 which, in the opinion of Provincial or Municipal health authori-
ties, there is danger of its breaking out owing to the facility of

Enforcing
vaccination.

communication with infected localities, the Council of the municipality may order that the provisions of this Act in regard to the vaccination of children shall be in force, for the vaccination or re-vaccination of all persons who have not been vaccinated within seven years, and shall be carried out in the same manner as for the vaccination of children, except that in the case of all persons of an age to make them legally responsible, they shall present themselves for vaccination by the medical practitioner, or some legally qualified practitioner, and the medical practitioner shall adopt the same measures to secure the vaccination or re-vaccination of all such persons, as he is required to do with regard to children. A proclamation signed by the head of the municipality, and published in posters and in at least one newspaper published within the municipality, and in cases where there is no such newspaper, then in at least one in the County in which such municipality is situated, warning the public that this clause of the Act is in force, shall be sufficient evidence to secure the conviction of any person not complying with the law within a period of seven days from publication of the proclamation.

20

No. 165.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Act respecting Vaccination and Inoculation.

First Reading, 11th March, 1886.

Mr. ROSS,
(Huron.)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Amend the Act Respecting Vaccination
and Inoculation.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. In case the Council of any municipality neglect to con-
tract with some competent medical practitioner or practitioners
for the vaccination of poor persons and others, as provided in
section 5 of *The Revised Act respecting Vaccination and Inocu-*
lation, chapter 191, and such neglect continues for one month
after the attention of the Council has been called in writing by
the Local Board of Health to such neglect, and to the
powers which, in case of such neglect, the Local Board may
exercise under the authority of this Act, the Local Board
of Health may contract with the Medical Health officer of the
municipality, or other legally qualified medical practitioner, or
practitioners, to perform all the duties which may be performed,
or are incumbent upon a medical practitioner under the
said Act, if appointed or contracted with by the Council
under section 5, and the Council shall be liable to the medical
practitioner for the fees of vaccination or for duties performed
to the extent provided for by the said Act as if the contract
had been made by or with the Council. The acts of the medical
practitioner appointed by the Local Board of Health shall be
as valid and operative in every respect as if a contract with
him had been made by the Council of the Municipality; and
in such case the Local Board of Health may also, unless the
Municipal Council has already done so, appoint the places and
give the notice where and when such vaccination shall be
performed, as is required by section 6 of said chapter 191, to be
done by the Council.
2. It shall be lawful for the Trustees of any Public, Separate
or High School, to provide that no child shall be permitted to
attend any such School without producing a certificate of suc-
cessful vaccination when demanded of him or her by the
teacher.
3. In all cases when it is deemed necessary by the Medical
Health Officer of any municipality, owing to the presence, or
threatened presence of smallpox, he may, with the approval of
the Local Board of Health, require certificates of successful
vaccination, or of insusceptibility on re-vaccination within seven
years of all students of High Schools, Collegiate Institutes,
Colleges and Universities, within the municipality to be pre-
sented to the proper authorities of said Institutions, and no

Local Board
of Health in
default of
municipality
may employ a
medical prac-
titioner.

School teach-
ers may re-
quire certi-
cate of vac-
cination.

Students of
High Schools,
etc., may be
required to
produce certi-
ficates of
vaccination.

student refusing to present such certificate on demand, shall be admitted to further attendance on classes in said institution until such certificate is furnished.

Enforcing
vaccination.

4. In every municipality where smallpox exists, or in which, in the opinion of Provincial or Municipal health authorities, there is danger of its breaking out owing to the facility of communication with infected localities, the Council of the municipality may order that the provisions of this Act in regard to the vaccination of children shall be in force, for the vaccination or re-vaccination of all persons who have not been vaccinated within seven years, and shall be carried out in the same manner as for the vaccination of children, except that in the case of all persons of an age to make them legally responsible, they shall present themselves for vaccination by the medical practitioner, or some legally qualified practitioner, and the medical practitioner shall adopt the same measures to secure the vaccination or re-vaccination of all such persons, as he is required to do with regard to children. A proclamation signed by the head of the municipality, and published in posters and in at least one newspaper published within the municipality, and in cases where there is no such newspaper, then in at least one in the County in which such municipality is situated, warning the public that this *section* of the Act is in force, shall be sufficient evidence to secure the conviction of any person not complying with the law within a period of seven days from publication of the proclamation.

No. 165.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting Vaccination and Inoculation.

(Reprinted as amended by Committee of the Whole House.)

First Reading, 11th March, 1886.
Second " 16th March, 1886.

Mr. ROSS,
(Huron.)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Act respecting Ontario Reformatory for Boys.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

1. Section 33 of the Act passed in the 43rd year of Her Majesty's reign entitled *An Act respecting the Ontario Reformatory for Boys*, chaptered 34 is hereby amended by adding after the word "be" in the twelfth line of the said section, the word "absolutely" and by adding after the word "discharged" in the said twelfth line, the words "or discharged on probation."
2. The said Act is hereby further amended by adding the following section thereto :—
- 37.—(1) The Judge of any County Court, or any Police Magistrate, or the Inspector of Prisons, may upon satisfactory proof that any boy who was sentenced under the authority of any statute of this Province, and who has been discharged on probation, has violated the conditions of his discharge, order such boy to be re-committed to the said Reformatory, and thereupon he shall be detained therein under his original sentence, as if he had never been discharged.
- (2) The said proof may be by affidavit, or by oral evidence and each of the said officers is hereby authorized to administer an oath to any person requiring to make affidavit, or give evidence under this section.

43 V. c. 34, s. 33, amended.

Recommittal of boys discharged on probation.

No. 166.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Act respecting the
Ontario Reformatory for Boys.

First Reading, 11th March, 1886.

Mr. HARDY.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act Respecting the Upper Canada Land Improvement Fund.

WHEREAS by chapter 3 of the Acts passed in the 45th Preamble.
year of Her Majesty's reign entitled *An Act Respecting the Upper Canada Land Improvement Fund* it was recited that under the authority of the fourteenth section of
5 *The Public Lands Act, of 1853*, a fund known as the "Upper Canada Land Improvement Fund," was constituted; and the late Province of Canada, between the 6th day of March, 1861, and the 1st day of July, 1867, received on account of the said fund from sales of common school lands in Upper
10 Canada, made between the 14th day of June, 1853, and the said 6th day of March, 1861, the sum of \$124,685.18; and the arbitrators to whom, under *The British North America Act, 1867*, were referred the division and adjustment of the debts, credits, liabilities, properties and assets of Upper
15 Canada and Lower Canada, by their award made on the 3rd day of September, 1870, declared the Province of Ontario entitled to the said sum; and that the said award was on the 26th day of March, 1878, by the order and judgment of Her Majesty in Council declared valid and binding; and that the
20 said amount had not yet been paid over to this Province by the Government of Canada, but that it was expedient that it should no longer be withheld from the municipalities entitled thereto; and, whereas, by the said Act the said sum of \$124,685.18 was directed to be paid out of the Consolidated Revenue Fund
25 of the Province to the municipalities entitled thereto; and whereas the Province of Ontario is entitled, in its account with the Province of Canada, to be credited with interest on the said sum of \$124,685.18 from the 1st day of July, 1867; and whereas notwithstanding that no final settlement of account has yet
30 been effected with the Government of Canada, it is expedient that interest should be allowed and paid to the municipalities entitled thereto upon the said sum of \$124,785.18, from the 1st day of July, 1867, to the 1st day of July, 1882, after the rate of five per cent. per annum;
35 Therefore Her Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

1. Subject to the provisions hereinafter contained, there shall be distributed and paid out of the Consolidated Revenue
- 40 Fund to the various municipalities entitled thereto in the same proportions as the principal sum of \$124,685.18 was distributed and paid, the sum of \$93,494.39, being the interest at five per cent. per annum from 1st July, 1867, to 1st July, 1882, on the said principal sum.

Payment of interest to be made to municipalities.

2. In any case where there have been changes in the boundaries of municipalities, as referred to in section 3 of chapter 3, of the Acts passed in the 45th year of Her Majesty's reign, and a final settlement between the municipalities interested has not been arrived at under the provisions of the said section, the payment of the interest accruing to such municipalities under this Act shall not be paid until such agreement has been made, or until the proportion payable to each municipality has been determined by the Lieutenant-Governor in Council.

10 3. All moneys paid under this Act may be applied by the Council receiving the same for the use and benefit of the municipality, in any way the Council may see fit.

No. 167.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act respecting the Upper Canada Land Improvement Fund.

First Reading, 11th March, 1886.

Mr. ROSS,
(Huron).

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 168.]

BILL.

[1886.

An Act to amend the Municipal Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :—

Section 532 of *The Consolidated Municipal Act, 1882*, is ^{46 V. c. 18, s. 5} hereby amended by inserting in the seventh line thereof, after 532, amended, the word “streams,” the words “lakes or ponds,” and by inserting in the eleventh line thereof, after the word “rivers,” the words “lakes or ponds.”

No. 168.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Municipal Act.

First Reading, 11th March, 1886.

MR. BALLENTYNE.

TORONTO:

PRINTED BY WILKINSON & SONS, 110-112, FRONT ST. W.

No. 169.]

BILL.

[1886.

An Act further to amend the Acts respecting Petty
Trespassers in Upper Canada.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :—

1. The section substituted by the Act of the Legislature of 25 V. c. 22,
5 the late Province of Canada, passed in the 25th year of Her s. 2, amended,
Majesty's reign and chaptered 22, for section 1 of chapter 105
of the Consolidated Statutes for Upper Canada, is hereby
amended by adding the following thereto as sub-section 2 :

(2). In the case of any lands, the boundary line, or any part
10 of the boundary line whereof, passes through a marsh or
swamp, or any land covered with water, the same shall, so far
as respects that part of such boundary line which so passes
through a marsh or swamp, or land covered with water, be
deemed to be wholly enclosed within the meaning of this
15 section, if posts are put up and maintained along such part of
such line at distances which will permit of each being clearly
visible from the adjoining post.

No. 169.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act further to amend the Act respecting
Petty Trespassers in Upper Canada.

First Reading, 12th March, 1886.

MR. FREEMAN.

TORONTO :

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act to amend the Ontario Medical Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows :

1. Clause "Firstly" of section 6 of *The Ontario Medical Act*, R. S. O. c. 142, being chapter 142, of the Revised Statutes of Ontario, is hereby s. 6, clause
repealed and the following section substituted therefor ;— "Firstly,"
repealed.

Firstly.—One member to be chosen from each of the Universities, Colleges and Bodies hereinafter designated, to wit :—
The University of Toronto, the Queen's University and College,
10 of Kingston, the University of Victoria College, the University of Trinity College, the Royal College of Physicians and Surgeons, Kingston, the Toronto School of Medicine, Trinity Medical School, the Ottawa University, the Western University,
and of every other University, College or Body in the Province,
15 now by law authorized, or which may be hereafter authorized to grant degrees in medicine and surgery, or other certificates of qualification to practise the same, and who establish and maintain to the satisfaction of the College of Physicians and Surgeons of Ontario, a Medical Faculty in connection there-
20 with.

2. No duly registered member of the College of Physicians and Surgeons, of Ontario, shall be liable in any action for negligence or mal-practice, by reason of professional services requested or rendered, unless such action be commenced within
25 six months from the date of the alleged negligence or mal-practice.

3. There shall be taxed, and allowed to every duly registered member of the said College, subpoenaed in consequence of professional services rendered, to give evidence, in any court of
30 criminal or civil jurisdiction, or before any judge, coroner, police magistrate, or justice of the peace, witness fees at the rate of \$5 per day, and mileage at the rate of twenty-five cents per mile ; any tariff or rule to the contrary notwithstanding : and where in criminal cases, inquests or investigations before Magis-
35 trates no other provisions exist for the payment of such fees, they shall be paid by the treasurer of county or city wherein such case is tried or such inquest or investigation is held.

4. A registered member of the said College shall not be compellable to attend upon a subpoena for the purposes of being
40 examined as an expert witness only.

Representatives.

Limitation of actions for negligence.

Witness fees.

Member of college not obliged to attend as an expert only.

R. S. O. c. 142,
s. 32, repealed.

5. Section 34 of the said Act is hereby repealed.

Erasing names
from register.

6.—(1) Where any registered medical practitioner has either before or after the passing of this Act and either before or after he is so registered, been convicted either in Her Majesty's dominions or elsewhere of an offence, which if committed in Canada would be a felony or misdemeanor, or been guilty of any infamous or disgraceful conduct in a professional respect, such practitioner shall be liable to have his name erased from the register. 5

(2) The Council may, and upon the application of any two registered medical practitioners, shall cause enquiry to be made into the case of a person alleged to be liable to have his name erased under this section and on proof of such conviction or of such infamous or disgraceful conduct, shall cause the name of such person to be erased from the register; provided, that the name of a person shall not be erased, under this section on account of his adopting, or refraining from adopting the practice of any particular theory of medicine or surgery, nor on account of a conviction for a political offence out of Her Majesty's dominions, nor on account of a conviction for an offence which though within the provisions of this section ought not, either from the trivial nature of the offence, or from the circumstances under which it was committed, to disqualify a person from practising medicine or surgery. 15 20

Restoring
names to
register.

7.—(1) Where the Council direct the erasure from the register of the name of any person, or of any other entry, the name of that person or that entry shall not be again entered on the register, except by the direction of the Council, or by the order of a judge or of a court of competent jurisdiction. 25

(2) If the Council think fit in any case, they may direct the registrar to restore to the register any name or entry erased therefrom either without fee or on payment of such fee, not exceeding the registration fee, as the Council may, from time to time fix, and the registrar shall restore the same accordingly. 30

Committee for
erasing and
restoring
names.

8.—(1) The Council shall for the purpose of exercising in any case the powers of erasing from and of restoring to the register the name of a person or any entry, ascertain the facts of such case by a committee of their own body not exceeding five in number, of whom the quorum shall be not less than three, and a written report of the committee shall be conclusive, as to the facts therein stated for the purpose of the exercise of the said powers by the Council. 35 40

(2) The Council shall from time to time appoint, and shall always maintain a committee for the purposes of this section, and subject to the provisions of this section may from time to time determine the constitution, and the number and tenure of office of the members of the committee. 45

(3) The committee shall meet, from time to time for the despatch of business and subject to the provisions of this section, and of any regulations from time to time, made by the Council may regulate the summoning, notice, place, management and adjournment of such meetings, the appointment of a chairman, the mode of deciding questions, and generally the transaction and management of business including the quorum, and if there is a quorum the committee may act notwithstanding any 50

vacancy in their body. In case of any vacancy the committee may appoint a member of the Council to fill the vacancy until the next meeting of the Council.

- (4) A committee under this section may for the purpose of the execution of their duties under this Act employ, at the expense of the Council such legal, or other assessor or assistant as the committee think necessary or proper.

9. No action shall be brought against the Council or the committee for anything done *bona-fide* under this Act notwithstanding—
 Appeal from committee.
- 10 ing any want of form in the proceedings, but any person whose name has been ordered to be erased from the register may appeal from the decision of the Council to any Judge of the High Court of Justice for Ontario, at any time within six months from the date of the order for such erasure and such
- 15 judge may upon the hearing of such appeal make such order as to restoration of the name, so erased or confirming such erasure, or for further enquiries by the committee or Council into the facts of the case, and as to costs as to such judge shall seem right in the premises.
- 20 10. The appeal may be by summons served upon the registrar to shew cause, and shall be founded upon a copy of the proceedings before the committee—the committee's report and the order of the Council in the matter—certified by the registrar, and the registrar shall upon the request of any person
- 25 desiring to appeal and upon payment of a reasonable fee therefor, not exceeding ten cents per folio, furnish to any such person a certified copy of all proceedings, reports, orders and papers upon which the committee have acted in making the order complained of.
- Procedure.

No. 170.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Ontario Medical Act.

First Reading, 12th March, 1886.

MR. CASCADEN.

TORONTO:

PRINTED BY WARWICK & SOSS, 26 AND 28 FRONT ST. W.

An Act respecting Awards under The Niagara Falls
Park Act.

HER MAJESTY, by and with the advice and consent of
the Legislative Assembly of the Province of Ontario,
enacts as follows :—

1. Any party to an arbitration under the provisions of *The* Any party
5 *Niagara Falls Park Act*, before The Official Arbitrators, may appeal may appeal
therein described as The Provincial Arbitrators, may appeal from award.
from the award upon any question of law or fact to the
Court of Appeal; and the said Court shall have the same
jurisdiction therein as a Judge has on an appeal from a report or
10 certificate under section 192 of *The Common Law Procedure*
Act. Any reference back shall be to the Official Arbitrators.
(R. S. O. c. 165, s. 20, sub-sec. 19; R. S. O. c. 50, s. 192.)
2. The Secretary of the Department of Public Works, Copy of award
immediately after the receipt of the award from the Official to be served.
15 Arbitrators, is to serve or cause to be served a true copy there-
of upon any party interested who appeared before the Official
Arbitrators in respect of the arbitration and proceedings upon
which the award was made.
3. Service of any notice, document or paper, on any solicitor Service of
20 or agent who appeared for any owner or claimant before the papers on
Official Arbitrators, shall be good service on the owner or owners.
claimant for all purposes under this Act; provided the service
on the solicitor or agent be made personally or by leaving
the notice or other document or paper at his office or place of
25 business.
4. A party desiring to appeal, may, immediately on the Notice of the
service of the award, or within seven days after notice of appeal and
the making of the award has been published in the *Ontario* transmission
30 *Gazette*, and not later, give notice to the Secretary of the of award, etc.,
Public Works Department of his intention to appeal, and to Court.
thereupon the Secretary shall transmit to the Registrar of
the Court of Appeal the award, together with all depositions,
documents, maps, plans, books, accounts, contracts and writings,
filed in the Department in accordance with section 61 of the
35 *Revised Statute respecting the Public Works of Ontario*; and
the same shall be filed in the Court of Appeal with the
records thereof, subject to such order as the Court may
thereafter make for the return thereof to the Public Works
Department.

Subsequent
proceedings to
hearing.

5. The party desiring to appeal shall, within two days of the day on which the said notice is given to the Secretary of the Public Works Department, enter the case with the Registrar of the Court of Appeal for hearing, and shall, within one day thereafter, give notice thereof and serve reasons for appeal against the award upon the opposite party, or upon the solicitor, or agent, who appeared on his behalf before the Official Arbitrators; and in case he does not give the said notice or serve the reasons of appeal at the time or within the period aforesaid, the appeal shall be taken as abandoned. 5 10

When appeals
to be heard.

6. Appeals under this Act are to be heard in priority to any other appeals, unless the Court otherwise orders; and either party may apply to the Court or a Judge thereof, on two days' notice, to fix the earliest practicable day for the hearing of the appeal. 15

Appeal books.

7.—(1) The evidence taken or the exhibits used before the Arbitrators shall not be printed in the appeal books, except by consent of the parties. The appeal books shall contain the reasons of appeal and such parts of the award and proceedings relative thereto as are material to the question in appeal, and shall in other respects be prepared, as nearly as may be, in accordance with the practice on appeals from the County Court to the Court of Appeal. 20

(2) Either party may in the discretion of such party print the evidence or exhibits in a separate book and furnish copies for the use of the Court and counsel for the opposite party. 25

(3) No costs shall be taxed, whether between party and party or between solicitor and client, for any matter so printed by either party or for any matter appearing in the appeal books, unless the printing thereof was not reasonably necessary to raise the question in appeal. 30

Costs of
appeal.

8. The Court may award costs of appeal to either party in its discretion; such costs shall be certified and form part of the award, and may be allowed and enforced against any party as the Court may direct; or when payable by any party in favour of whom payment is awarded by the award, the costs may be deducted from the amount awarded, or may be awarded and recovered according to the practice of the Court, if the Court so directs. 35

Judgment in
appeal to be
final.

9. The Judgment of the Court of Appeal shall be final; and if an appeal is not brought and proceeded with within the time aforesaid, the award shall be final. 40

Board of Com-
missioners to
be deemed a
party.

10. The Board of Commissioners shall, for the purposes of this Act, be deemed to be a party to every arbitration or award under the said *Niagara Falls Park Act*. 45

No. 171.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act respecting Awards under the
Niagara Falls Park Act.

First Reading, 12th March, 1886.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to amend the Line Fences Act.

HER MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, enacts as follows:—

The Line Fences Act, being chapter 198 of the Revised Statutes of Ontario, is hereby amended by inserting therein the following section:—

- 9a. In case the value of the work, or in case the amount Recovery of cost of work. claimed under the award, does not exceed twenty per cent. of the assessed value of the land enclosed by the fence and owned by the person against whom the award is made, the person
- 10 entitled to recover, instead of bringing an action as provided by section 8, on default of payment forthwith by the person liable to pay, apply to the Council of the Municipality wherein the award is deposited, for payment of the value of the work done under the award and the costs adjudged
- 15 thereunder, and the Municipality shall ascertain the value of such work, and shall pay the same, or the less amount claimed, and the said costs to the person declared by the award to be entitled thereto, and shall, unless the same be forthwith repaid by the person awarded or adjudged to pay
- 20 the same, place the amount upon the collector's roll as a charge against the lands of the person awarded or adjudged to pay the same, and the same shall thereupon become a charge upon such lands and shall be collected as ordinary municipal taxes.

No. 172.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to amend the Line Fences Act.

First Reading, 15th March, 1886.

Mr. GIBSON.
(*Hamilton.*)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to make Further Provision Regarding the
Public Health.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

5 1. This Act may be cited as "*The Public Health Amend- Short title.*
 ment Act, 1886."

 2. The regulations mentioned in sections 3 and 4 of *The Power to take*
 Public Health Act, 1884, shall be deemed to include regu- possession of
10 lations for taking possession of any land or any unoccupied land or unoc-
 building thereon, by the authority of the Provincial Board of cupied build-
 Health, or Health Officers, for any of the purposes mentioned ing.
 in sections 3, 4 or 44 of the said Act.

15 3. In case of actual or apprehended emergency, such posses- Cases of
 sion may be taken without a prior agreement with or consent emergency.
 of the owner of said land or building.

 4. Written notice containing a reasonable description of the Notice to
 land shall within days after the taking or obtaining pos- municipal
20 session thereof be given by the Board or Officer so taking or clerk.
 obtaining possession thereof to the Clerk of the Local Municipi-
 pality wherein the land is situate; such notice shall be given
 whether possession is taken or obtained with or without the
 consent of the owner.

25 5. Where possession is taken without the consent of the Proceedings
 owner, the Board or Health officer by whom or under whose where owner
 direction or authority possession is taken, shall within days not consenting
 thereafter give notice thereof to the owner; such notice to be party.
 according to the form contained in the Schedule hereto an-
 nexed, or to the like effect. In the event of any owner not
30 being known, or not being resident within the Province of
 Ontario, or of his residence therein being unknown to the Board
 or Health Officer giving the notice, such Board or Health
 Officer shall cause the notice to be published for in-
 sertions in some local newspaper having a circulation within
35 the municipality wherein the property is situate, and shall
 mail to the last known address (if any) of the owner a copy of
 the notice in a registered letter prepaid.

 6. The owner of any land or building shall be entitled to Compensation.
 compensation from the local municipality wherein the land or
 building is situate, for the use and occupation thereof, such
04 compensation to be agreed upon between the Municipal Council

of the Local Municipality and the owner and in case they do not agree, the Judge of the County Court of the County wherein the property is situate, shall summarily determine the amount of the compensation, and the terms of payment, in such manner, and after giving such notices, if any, as he sees fit. 5

In case of forcible resistance.

7. Where any resistance or forcible opposition is offered or apprehended to possession being taken of any land or building under this Act, or under any regulation which may be made by virtue thereof, or of *The Public Health Act*, the Judge 10 of the County Court may without notice to any person issue his warrant to the Sheriff of the County, or to any other person as he may deem most suitable, requiring him to put the Board or Health Officer, their or his servants or agents in possession, and to put down such resistance or 15 opposition which the Sheriff or Bailiff (taking with him sufficient assistance) shall accordingly do. (R. S. O. c. 30. s. 35 ; c. 165, s. 20, sub-section 22.)

No land or building to be near an inhabited dwelling. Last regulations confirmed.

8. No land or building to be used for the purposes of this Act shall be nearer than yards to an inhabited dwelling 20

9. All regulations heretofore made by the Provincial Board of Health, and approved by the Lieutenant-Governor in Council, are hereby declared to have been within the authority given by the said Act in that behalf, and to have been valid regulations, and in force until and unless repealed or amended. 25

Regulations to be laid before Legislature.

10. All regulations made by the Provincial Board of Health are to be laid before the Legislative Assembly, if then in Session ; and if not then in Session, at its first sitting after the making thereof, and within fourteen days after the commencement thereof. 30

SCHEDULE.

(Section 5.)

PUBLIC HEALTH.

Take notice that by virtue of *The Public Health Act*, and the regulations made thereunder, possession has been taken, (or obtained, as the case may be) of the following land (or "building," as the case may be,) namely :

(Reasonable Description)

and further take notice that such land (or "building") will be occupied and used for the purposes of the said Act and regulations from, and after the date hereof, for a period of or such other time as may, in the discretion of the undersigned be necessary.

Dated, etc.

No. 173.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act to make further provision regarding the Public Health.

First Reading, 15th March, 1886.

Mr. ROSS,
(*Huron.*)

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Amend the Act Respecting Assignments
for the Benefit of Creditors.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows :—

1. Sub-section 2, of section 3, of *The Act Respecting Assign- Certain*
5 *ments for the Benefit of Creditors* is amended by adding to the assignments
said sub-section the following words :— to be valid.

“ Nor shall anything herein contained affect any payment of
money to a creditor, where such creditor by reason or on account
of such payment, has lost or been deprived of, or has in good
10 faith given up, any valid security which he held for the pay-
ment of the debt so paid, unless the value of the security is
restored to the creditor.

“ Nor shall anything herein contained invalidate a security
given to a creditor for a pre-existing debt where by reason
15 or on account of the giving of the security, an advance
in money is made to the debtor by the creditor, in the *bona*
fide belief that the advance will enable the debtor to continue
his trade or business, and to pay his debts in full.”

Section 9 is amended by adding thereto the following Costs of first
20 words, “ subject to the lien, if any, of an execution creditor for execution
his costs where there is but one execution in the sheriff's hands, creditor.
or to the lien, if any of the creditor for his costs who has the
first execution in the sheriff's hands.” (48 V. c. 26.)

2. Section 12 of the said Act is amended by adding thereto 48 V. c. 26,
25 the following sub-section : s. 12, amended.

(3) In provisional judicial districts, and territorial districts,
and in the temporary judicial district of Nipissing, the coun-
terpart or copy of the assignment shall be filed in the same
office and within the same time respectively, as mortgages and
30 other instruments are directed to be filed in such districts,
under the provisions of sections 17, 18 and 19, of *The Act*
respecting Mortgages and Sales of Personal Property. (R. S. O.
c. 119)

No. 174.

3rd Session, 5th Legislature. 49 Vic. 1886.

BILL.

An Act to amend the Act respecting Assignments for the benefit of Creditors.

First Reading, 15th March, 1886.

The ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

An Act to Amend the Real Property Limitation Act.

WHEREAS, for the mutual temporary convenience of the Preamble.
 owners of adjoining parcels of farming land, or land
 used in connection with farming lands, and sometimes from
 the division line between such parcels not being marked on the
 5 ground, the fence intended to separate the lands of the adjoining
 owners has not been built on the proper division line :

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows :—

10 1. Section 1 of *The Act for the Further Limitation of Construction*
Actions and Suits Relating to Real Property or section 4 of of 38 V. c. 16,
The Real Property Limitation Act, shall not be construed to s. 1, and R.
 affect the ownership of such adjoining parcels of farming lands S. O. c. 108,
 or of land used in connection with farming land, except in the s. 4.
 15 following cases :

1. Unless there has been a *bona fide* sale and conveyance
 of the land after the building of the fence, or,

2. Unless the line or fence between the adjoining proper-
 ties has been run or erected by agreement between the adjoining
 20 owners, or,

3. Unless a house, barn, or other building has been erected
 on land between the fence and the correct division line.

2. In any such cases the period of limitations shall begin to When period
 run from the erection of the fence, or of the house, barn, or of limitation
 25 other building, or from the running of the line as the case begins to run.
 may be.

3. If buildings or other improvements have been made by Compensation
 an owner, to which buildings or other improvements the said where im-
 Acts would entitle the owner of the adjoining parcel, such provements
 30 owner of the adjoining parcel shall not be entitled to the land made.
 beyond the fence, without making compensation for such
 buildings or improvements.

4. The said Acts shall not be so construed in any case as to Construction
 deprive the owner of land on either side of the fence of his of 38 V. c. 16,
 35 right to have the line run correctly between the front and rear and R. S. O.
 angles, or to claim and hold the ground on either side of the c. 108.
 fence to which, but for the said Acts he would be entitled.

5. This Act shall not affect any suits heretofore brought.

Pending
 actions not
 affected.

No. 175.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Real Property Limitation Act.

First Reading, 17th March, 1886.

Mr. GRAHAM.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

An Act for granting to Her Majesty certain sums of money to defray the expenses of Civil Government for the year one thousand eight hundred and eighty-six, and for other purposes therein mentioned.

MOST GRACIOUS SOVEREIGN :

WHEREAS it appears by messages from His Honour, the Honourable John Beverley Robinson, Lieutenant-Governor of Ontario, and the estimates accompanying the same, that the sums hereinafter mentioned in the schedules to this Act are required to defray certain expenses of the Civil Government of this Province, and of the public service thereof, and for other purposes for the year one thousand eight hundred and eighty-six ; may it therefore please Your Majesty that it may be enacted, and it is hereby enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of the Province of Ontario, as follows :

Preamble.

1. From and out of the Consolidated Revenue Fund of this Province, there shall and may be paid and applied a sum (not exceeding in the whole) of three million one hundred and thirty-six thousand six hundred and fifty-one dollars and ninety cents, for defraying the several charges and expenses of the Civil Government of this Province for the year one thousand eight hundred and eighty-six, as set forth in schedule A to this Act ; and for the expenses of Legislation, Public Institutions' Maintenance, and salaries of the officers of the Government and Civil Service for the month of January, one thousand eight hundred and eighty-seven, as set forth in Schedule B to this Act.

\$3,636,651.90 granted out of the Consolidated Revenue Fund for certain purposes.

2. Accounts in detail of all moneys received on account of this Province, and of all expenditures under schedule A of this Act, shall be laid before the Legislative Assembly at its next sitting.

Accounts to be laid before the Legislature.

3. Any part of the money under schedule A, appropriated by this Act out of the Consolidated Revenue, which may be unexpended on the thirty-first day of December, one thousand eight hundred and eighty-six, shall not be expended thereafter, except in the payment of accounts and expenses incurred on or prior to the said day ; and all balances remaining unexpended after the twentieth day of January next shall lapse and be written off.

Unexpended moneys.

4. The due application of all moneys expended under this Act out of the Consolidated Revenue shall be accounted for to Her Majesty.

Expenditure to be accounted for to Her Majesty.

SCHEDULE A.

SUMS granted to Her Majesty by this Act for the year one thousand eight hundred and eighty-six, and the purposes for which they are granted.

CIVIL GOVERNMENT.

To defray the expenses of the several Departments at Toronto.

Government House	\$1,750 00	
Lieutenant-Governor's Office.....	3,980 00	
Executive Council and Attorney-General's Office	15,752 50	
Education Department	21,000 00	
Crown Lands Department	48,660 00	
Department of Public Works.....	18,180 00	
Treasury Department.....	18,475 00	
Secretary and Registrar's Department.....	30,772 50	
Department of Immigration.....	1,600 00	
Inspection of Public Institutions	9,274 00	
Provincial Board of Health	8,400 00	
Miscellaneous	10,350 00	
	<hr/>	188,194 00

LEGISLATION.

To defray expenses of Legislation..... \$129,100 00

ADMINISTRATION OF JUSTICE.

To defray expenses of:—

Supreme Court of Judicature	\$57,104 00	
Miscellaneous—Criminal and Civil Justice	297,033 00	
Surrogate Judges and Local Masters.....	18,492 00	
	<hr/>	372,629 00

EDUCATION.

To defray expenses of:—

Public and Separate Schools.....	\$240,000 00	
Schools in New and Poor Townships.. ..	22,000 00	
Model Schools	8,250 00	
Teachers' Institutes.....	2,000 00	
High Schools and Collegiate Institutes.....	87,000 00	
Training Institutes.....	1,600 00	
Inspection of Normal, High, Model, Public and Separate Schools.....	54,550 00	
Departmental Examinations	10,145 00	
Normal and Model Schools, Toronto	19,320 00	
Normal School, Ottawa.....	19,435 00	
Museum and Library.....	3,450 00	
School of Practical Science.....	6,644 00	
Mechanics' Institutes, Art Schools Literary and Scientific	34,350 00	
Miscellaneous	3,800 00	
Superannuated Teachers.....	55,000 00	
	<hr/>	567,544 00

PUBLIC INSTITUTIONS' MAINTENANCE.

To defray expenses of :—

Asylum for the Insane, Toronto.....	\$93,860 00	
Asylum for the Insane, London	119,780 00	
Asylum for the Insane, Kingston.....	89,241 00	
Asylum for the Insane, Hamilton.....	80,887 00	
Asylum for the Insane, Orillia	28,860 00	
Central Prison, Toronto	79,490 00	
Provincial Reformatory, Penetanguishene.....	41,510 00	
Institution for the Deaf and Dumb, Belleville...	39,949 00	
Institution for the Blind, Brantford	33,526 00	
Mercer Reformatory for Females	30,076 00	
		<hr/>
		637,179 00

IMMIGRATION.

To defray expenses of a grant in aid of Immigration..... \$18,800 00

AGRICULTURE.

To defray expenses of a grant in aid of Agriculture..... 133,705 00

HOSPITALS AND CHARITIES.

To defray expenses of a grant in aid of Hospitals and
Charities..... 103,630 72MAINTENANCE AND REPAIRS OF GOVERNMENT AND
DEPARTMENTAL BUILDINGS.

Government House.....	7,500 00	
Parliament Buildings.....		
Main Buildings.....	9,900 00	
West Wing.....	2,800 00	
East Wing.....	4,550 00	
Education Department (Normal School Building).....	7,900 00	
Rented premises, Simcoe Street.....	2,700 00	
Miscellaneous.....	1,920 00	
Normal School, Ottawa.....	3,600 00	
School of Practical Science.....	1,200 00	
Agricultural College.....	6,000 00	
Agricultural Hall.....	650 00	
Osgoode Hall.....	8,040 00	
		<hr/>
		56,760 00

PUBLIC BUILDINGS.

Asylum for the Insane, Toronto.....	\$6,428 00
Asylum for the Insane, London	6,070 00
Asylum for the Insane, Hamilton.....	74,926 50
Asylum for the Insane, Kingston	16,752 25
do Regiopolis Branch.....	9,500 00
Asylum for Idiots, Orillia	126,930 00
Reformatory, Penetanguishene	6,065 00
Reformatory for Females, Toronto	1,866 67
Central Prison, Toronto	6,600 00
Deaf and Dumb Institute, Belleville.....	5,767 00

PUBLIC BUILDINGS.—*Continued.*

Blind Institute, Brantford	3,835 00	
Agricultural College, Guelph	22,500 00	
Normal School and Education Depart't, Toronto.	2,500 00	
Normal School, Ottawa	1,500 00	
School of Practical Science, Toronto.....	500 00	
Osgoode Hall, Toronto.....	3,500 00	
Government House, Toronto	3,000 00	
Parliament Buildings	2,000 00	
District of Algoma	1,700 00	
Thunder Bay District.....	6,000 00	
Muskoka District.....	400 00	
Parry Sound District	3,000 00	
Nipissing District	4,000 00	
Unorganized Territory	500 00	
Miscellaneous	1,500 00	
	<hr/>	317,340 42

PUBLIC WORKS.

To defray expenses of Public Works	72,464 00
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COLONIZATION ROADS.

To defray expenses of Construction and Repairs.....	129,950 00
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CHARGES ON CROWN LANDS.

To defray expenses on account of Crown Lands.....	102,315 09
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REFUNDS.

Education	7,000 00	
Crown Lands.....	10,500 00	
Municipalities Fund.....	5,695 52	
Land Improvement Fund.....	4,977 16	
	<hr/>	28,172 68

COLONIAL AND INDIAN EXHIBITION.

To meet grant to Colonial and Indian Exhibition, London, England	13,000 00
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STATUTE CONSOLIDATION.

To defray expenses of consolidation of Statutes.....	40,000 00
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MISCELLANEOUS EXPENDITURE.

To defray Miscellaneous Expenditure.....	68,433 00
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UNFORESEEN AND UNPROVIDED.

To defray unforeseen and unprovided expenses.....	50,000 00
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Total estimates for expenditure of 1886.....3,029,216 91

To cover sundry unforeseen expenses of 1885.....	77,434 99
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SCHEDULE B.

SUM granted to Her Majesty by this Act for the year
one thousand eight hundred and eighty-seven, and the
purposes for which it is granted.

To defray the expenses of Legislation, Public Institutions'
Maintenance, and for salaries of the officers of the
Government and Civil Service for the month of
January, 1887..... 30,000 00

Total..... \$3,186,651 90

No. 176.

3rd Session, 5th Legislature, 49 Vic., 1886.

BILL.

An Act for granting to Her Majesty certain sums of money to defray the expenses of the Civil Government for the year one thousand eight hundred and eighty-six, and for other purposes therein mentioned.

First Reading,	24th	March,	1886.
Second	"	24th	" 1886.
Third	"	24th	" 1886.

Mr. ROSS,
(*Huron*).

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W.

No. 177]

BILL.

[1886.

An Act to amend the Consolidated Municipal Act.

HER MAJESTY, by and with the advice and consent of the
Legislative Assembly of the Province of Ontario, enacts
as follows:—

1. Sub-section (a) of sub-section (4) of section 612, of *The* ^{46 V. c. 18, s.}
5 *Consolidated Municipal Act, 1883*, is hereby amended by ^{612, sub-s. 4,}
inserting after the word “owners” in the first line of the said ^{(a), amended.}
sub-section the words: “other than the municipality;” and
substituting for the word “thereof” in the second line the
words: “of the property owned by them.”

No. 177.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act to amend the Consolidated Municipal Act.

First Reading, 18th March, 1886.

Mr. FERRIS.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST., W.

An Act Respecting the Niagara Falls Park.

WHEREAS it is expedient that the proposed Niagara Falls Preamble.
 Park should belong to the Province and not to any
 private company; and that provision should be made for
 raising the funds necessary for the purchase of the property, by
 5 means, as far as practicable, of the property itself, and the
 revenues thereof :—

Therefore Her Majesty, by and with the advice and consent
 of the Legislative Assembly of the Province of Ontario, enacts
 as follows:—

10 **1.** So much of *The Niagara Falls Park Act, 1885*, as pro-
 vides for a transfer to a company incorporated under *The*
Letters Patent Act, or otherwise, is hereby repealed.

2. The Board of Commissioners mentioned in *The Niagara* Power to
Falls Park Act, 1885, are hereby constituted a corporation acquire lands.
 15 under the name of “The Commissioners for Niagara Falls Park”
 for the purpose of taking and holding for the Province (subject
 to this Act) for the purposes contemplated by the said
 Act and in accordance with its provisions, the lands which have
 already been selected by the said Commissioners and approved
 20 by the Lieutenant-Governor under the said Act, to be held
 by the said Board for the purposes of a public park.

3. The said park shall be held by the said Board as a public Park a public
 trust for the purposes of the said Act, and shall be acquired trust.
 and held, subject to the provisions of section 13 of the said Act.

25 **4.** The Lieutenant-Governor may confer upon the said Lieutenant-
 Board such of the powers set forth in section 14 of the said Governor may
 Act as he thinks proper, and may also authorize the said confer certain
 board to construct, purchase or hire and to run for hire, one or powers on
 more boats to be used in connection with the said park; and Board.
 30 also to erect such constructions as they deem advisable for
 the better enjoyment by visitors of the views and scenery.

5. The members of the said Board shall, from time to time, Tenure of
 be appointed by the Lieutenant-Governor in Council, and each office.
 member shall, unless sooner removed, hold office for the period
 35 of three years from the date of his appointment.

6. The said Board shall, during the month of January of Annual
 each year, make a full report of its proceedings for the pre- report.
 ceding year to the Lieutenant-Governor, and such report shall
 be laid before the Legislative Assembly.

Power to issue
bonds.

7. The said Board may issue mortgage bonds to the extent of \$500,000, to be secured by a mortgage upon the said lands and other property held by the said board, and to be executed to two or more trustees to be named by the Lieutenant-Governor in Council.

5

Mortgage a
first charge on
property.

8. The said mortgage shall not require registration in the office of the Registrar of Deeds of Welland, or filing in the office of the Clerk of the County Court of the said County; and shall be a first charge upon all the lands acquired by the said Board, and upon the works, machinery, appliances and other property of the said Board, and after payment of the expenses of management and working expenses of the said trust shall be a first charge upon all the tolls and revenue of the said trust, but nothing herein contained shall prevent the said Board from paying off any debentures when and as the same become due; such revenue producing improvements as the Board shall deem it advisable from time to time to make, shall be deemed working expenses within the meaning of this section, but no such improvement shall be made while any principal or interest on the said debentures is in default.

20

Provisions
respecting
bonds.

9. The said bonds may be in such amounts and payable at such time or times, place or places, and may bear such rate of interest as the board thinks fit, provided that no bond shall be payable at a more distant date than 40 years from the date thereof, or than 42 years from the passing of this Act, and every such bond shall be countersigned or otherwise authenticated by the mortgage trustees.

25

Board to levy
tolls.

10. The said Board shall levy such tolls and charges as they deem necessary to provide for the due payment of the interest and principal of the said bonds as they become due, and for the payment of all expenses in connection with the management of the Park, and the works, machinery and appliances to be constructed or used in connection therewith.

30

Rights of
bondholders.

11. The bond holders shall be entitled *pari passu* to the benefit of the said mortgage, and in case the full issue of \$500,000 is not made within five years from the passing of this Act, no issue beyond what is made within the said five years shall be made without the consent of the majority in value of the bondholders.

35

Application of
moneys

12. The moneys to be raised upon the said bonds shall be applied in payment of the purchase moneys of the lands to be acquired, in making necessary improvements, constructions and appliances to be used in connection with the Park, in repaying the Province for expenses incurred by it with reference hereto, and in payment of current expenses of the Park and interest on the bonds until a sufficient revenue for these purposes is obtained from the fees charged.

45

Power to
obtain tem-
porary
advances.

13. The Board shall have authority from time to time to borrow from any bank, or other institution or person, such moneys as they may find requisite for the convenient financial management of the said Park.

50

14. In case of default, and if a majority of the bondholders in writing nominate some trustee or trustees to hold office in the place of any trustee at the time holding office, the Lieutenant-Governor shall revoke the appointment of the trustee or 5 trustees whose removal is desired, and the trustee or trustees so nominated shall thereupon be substituted in the place of the trustee or trustees whose appointment is revoked, but nothing herein contained shall prevent the removal by the Lieutenant-Governor of any trustee appointed by him, and the appoint- 10 ment of another trustee in the place of the person so removed.

Substitution
of trustees.

15. In the event of default being made in the payment of principal or interest for three months, the trustees may take possession of the said park and property, and hold and manage the same for the purposes of a park, or may apply 15 to the High Court of Justice for the appointment of a receiver, and in case default is made for the period of six months, the said trustees may take proceedings in the High Court to foreclose the mortgage.

Possession in
case of default.

16. Upon the foreclosure becoming absolute the trustees 20 shall hold the lands and property covered by the mortgage freed and discharged of any public trust, to be disposed of as the trustees may consider for the best advantage of the bondholders, or in the event of the sale of the whole or any part of the property by direction of the Court the purchaser shall 25 hold his purchase discharged in like manner: Provided, that in the event of foreclosure proceedings being commenced or possession taken as aforesaid, the Government of this Province shall at any time, prior to absolute foreclosure or sale, be entitled to pay off the debenture holders by payment to the 30 trustees, of the amount owing for principal and interest, with costs of court, and thereupon an assignment of the said mortgage and mortgage bonds shall be made to the Treasurer of Ontario, or to such persons, as trustees for the Province, as the Lieutenant-Governor in Council may appoint, and such assignee or 35 assignees shall become entitled to all the rights of the trustees and bondholders in respect of the said property.

Trusts of lands
in case of
foreclosure.

17. No such foreclosure shall be made absolute, or sale take place, until one month after the expiry of the session of the Legislature of Ontario held next after the commencement of 40 the proceedings; and no action for foreclosure or sale shall be commenced until after one month's notice in writing has been given to the Commissioner of Public Works of Ontario.

Notice to Com-
missioner of
Public Works
in case of
foreclosure of
proceedings,
etc.

No. 179.

3rd Session, 5th Legislature, 49 Vic, 1886.

BILL.

An Act Respecting the Niagara Falls Park.

First Reading, March, 1886.

THE ATTORNEY-GENERAL.

TORONTO:

PRINTED BY WARWICK & SONS, 26 AND 28 FRONT ST. W

